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REPORT OF THE SPECIAL COMMITTEE AGAINST APARTHEID*

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* The present document is a mimeographed version of the report of the Special Committee against Apartheid, which will be issued in printed form as Official Records of the General Assembly, Forty-fifth Session, Supplement No. 22 (A/45/22).

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LETTER OF TRANSMITTAL

19 November 1990

Sir,

I have the honour to send you herewith the reports of the Special Committee against Apartheid - the annual report and the report on recent developments concerning relations between Israel and South Africa - which were adopted unanimously by the Special Committee on 19 November 1990. These reports are submitted to the General Assembly and the Security Council in accordance with the relevant provisions of General Assembly resolution 2671 (XXV) of 8 December 1970 and 44/27 A to L of 22 November 1989.

Accept, Sir, the assurances of my highest consideration.

(Signed) Jai Pratap RANA
Acting Chairman
Special Committee against Apartheid

His Excellency
Mr. Javier Pérez de Cuéllar
Secretary-General
United Nations
New York, New York 10017

PART ONE

ANNUAL REPORT OF THE SPECIAL COMMITTEE

I. INTRODUCTION

1. The Special Committee against Apartheid, established by General Assembly resolution 1761 (XVII) of 6 November 1962, is composed of the following 19 Member States:

Algeria	Nigeria
German Democratic Republic 1/	Peru
Ghana	Philippines
Guinea	Somalia
Haiti	Sudan
Hungary	Syrian Arab Republic
India	Trinidad and Tobago
Indonesia	Ukrainian Soviet Socialist Republic
Malaysia	Zimbabwe
Nepal	

2. At its 635th meeting, on 16 February 1990, the Special Committee unanimously elected Professor Ibrahim A. Gambari (Nigeria) as its Chairman and re-elected Mr. Guennadi I. Oudovenko (Ukrainian Soviet Socialist Republic), Mr. Jai Pratap Rana (Nepal) and Mr. Glodys Saint-Phard (Haiti) as Vice-Chairmen. Mr. Virendra Gupta (India) was re-elected as Rapporteur.

3. Upon the departure from New York of the Permanent Representative of Haiti, one Vice-Chairmanship became vacant. At its 639th meeting, on 8 May 1990, the Special Committee elected Dr. Marjorie R. Thorpe (Trinidad and Tobago) as its Vice-Chairman.

4. Following consultations, the Special Committee decided to restructure its subsidiary bodies. At its 639th meeting, on 8 May 1990, the Special Committee decided to establish a Sub-Committee for the Implementation of United Nations Resolutions on South Africa and a Sub-Committee on Developments in South Africa. The work of previous sub-committees and task forces was subsumed under the new structure. Until the Special Committee holds new elections for its subsidiary bodies, the sub-committees will be chaired by the representatives of Ghana and Zimbabwe, respectively. (For the names of the members of the subsidiary bodies of the Special Committee, see annex I to the present report.)

5. At its second meeting, on 19 October 1989, the Commission against Apartheid in Sports elected Mr. James Victor Gbeho (Ghana) as its Chairman. He was re-elected Chairman of the Commission on 27 August 1990.

6. At the first meeting, on 29 March 1990, the States Parties to the International Convention against Apartheid in Sports elected Professor Ibrahim A. Gambari (Nigeria) as Chairman. Mr. Guennadi Oudovenko (Ukrainian Soviet Socialist Republic) was elected as Vice-Chairman.

7. The present report of the Special Committee reviews the political situation in South Africa, the economic conditions, and South Africa's relations with the outside world, as well as the international response against apartheid and the activities of the Special Committee. The report covers the period from September 1989 to mid-October 1990.

II. SITUATION IN SOUTH AFRICA

A. General political conditions

8. South Africa has entered a process of change that may lead to the end of apartheid through negotiations. The resistance of the majority of its people and international pressure have been instrumental in persuading the leadership of the National Party to move towards the eradication of the apartheid system and negotiations on a new constitution. A number of positive developments, in particular the lifting of the ban on political opposition organizations and the release of some political prisoners, including the leader of the African National Congress of South Africa (ANC), Nelson Mandela, and the talks between the ANC and the Pretoria régime, have contributed to removing some of the obstacles to negotiations.

9. Although President Frederik Willem de Klerk has introduced some significant measures in the right direction, the resulting changes that have occurred are far from being fundamental. Most of the pillars of apartheid remain, free political activity hardly exists and negotiations on a new constitution are yet to take place. While the régime has lifted the ban on ANC, the Pan Africanist Congress of Azania (PAC), the South African Communist Party (SACP) and other political organizations and has ended the state of emergency, it has failed to implement fully all the necessary conditions to create a climate conducive to negotiations as set out in the Declaration on Apartheid and its Destructive Consequences in Southern Africa (see General Assembly resolution S-16/1, annex). Indeed, as the Secretary-General noted in his report, dated 1 July 1990, "While it is evident that an important process has been set in motion [in South Africa], many believe that the Government should implement all measures in their totality to create the appropriate atmosphere". 2/

10. The wave of violence, particularly that engendered by groups associated with the apartheid structures and with the security forces and the extreme right, is a matter of extreme concern. It is threatening to delay if not derail the fragile process of change. A climate of peace in which free political activity can take place has been identified by the international community as a necessary condition for a negotiated resolution of the conflict. The pervasive violence is a strong factor in preventing previously banned organizations from effectively rebuilding their structures and impedes the development of a democratic debate on negotiations and a future constitution. The violence has both political and socio-economic dimensions - the political determinants of the violence are rooted in and sustained by underlying social and material conditions. This violence may ultimately serve the interests of the régime. As long as political organizations are unable to rebuild effective structures, the régime may hold an advantage that may ultimately allow it to set the pace of negotiations and even the terms of the constitutional dispensation itself.

11. A series of developments within and outside South Africa have shaped the present political configuration. The election of President F. W. de Klerk contributed to the realization by the leadership of the National Party that the apartheid system was bankrupt and was leading the country to even further decline. Apartheid, in effect, became unworkable as a result of the pressure exerted on the régime by the continuing and concerted internal resistance and by the sanctions and boycott policies imposed by the international community.

12. The upsurge in popular resistance against apartheid, organized by the anti-apartheid forces in 1989, represented a decisive shift in the political balance, in favour of those seeking a democratic solution to the country's problems. A nation-wide campaign of defiance of apartheid laws galvanized opposition to such levels that could not be quelled except through massive levels of repression. In parallel with the continuing resistance, the country's economic situation was deteriorating as a result of sanctions. Financial pressure, in particular, exercised partly by governmental restrictive measures and partly by business decisions, deprived South Africa of capital to pursue the growth of its apartheid economy and to sustain a strong security apparatus.

13. The measures announced by President F. W. de Klerk on 2 February 1990 took place against a background of growing political defiance and economic decline. At the same time, the shifts in the balance of political forces in South Africa were strengthened by important developments within the international community. The progressive relaxation of tensions in international relations favoured solutions to regional conflicts through negotiations. The access of Namibia to independence in March 1990 is evidence of this trend in world affairs as is the ongoing process of negotiations concerning the conflicts in Mozambique and in Angola.

14. At a most appropriate timing the United Nations made a critical contribution to the process towards the peaceful end of apartheid. At the sixteenth special session of the General Assembly, held in December 1989, the Declaration on Apartheid and its Destructive Consequences in Southern Africa was adopted by consensus (see Assembly resolution S-16/1, annex). It was the first time that a substantive text on the situation in South Africa was adopted by all the members of the United Nations unanimously. Based largely on the Harare Declaration (see A/44/697, annex), the United Nations Declaration, for the first time, laid down internationally agreed steps towards a negotiating climate and fundamental principles for a united, non-racial and democratic South Africa. The United Nations Declaration also prescribed a programme of work by the international community, recognizing that pressure needed to be maintained on the régime to end apartheid and to begin negotiations for a new constitution.

15. The determination of ANC to find a negotiated solution to the conflict and the declared commitment of the authorities to such an objective have been important factors in moving the process along, present difficulties notwithstanding. The Groote Schuur and the Pretoria Minutes represent a significant shift in the situation in South Africa, particularly in light of the milestone decision of ANC to suspend the armed struggle. The agreement concerning the future release of political prisoners and the return of political exiles, as well as the review of existing security legislation, has laid the ground for further progress towards negotiations. Although PAC and other organizations have not yet been participants in the current talks, it is considered that their participation is necessary to ensure the success of the negotiating process.

16. The lifting of the ban on political parties and movements has led to a degree of mobilization unprecedented in South Africa's history, notwithstanding continuing restrictions. Along with their allies, namely: the trade union federations, youth and student organizations, women's groups, religious, sports and other bodies, the national liberation movements are attempting to rebuild their structures of organization and to lay the ground for a democratic debate on a new constitution for South Africa. The process is fraught with difficulties in light of the legacy of the violence of apartheid, which has for long prevented freedom of association and freedom of speech.

17. While the developments outlined above are overall encouraging, the reality of apartheid for the black majority has hardly changed. With the exception of the Reservation of Separate Amenities Act No. 49 of 1953, the institutional pillars of apartheid remain in place and have resulted in a high rate of unemployment, the housing and education crises and the dispossession of land. As the report of the Secretary-General points out: "Some of the data in the report illustrate vividly the grave social injustices that have been inflicted by apartheid on the black population. The Secretary-General would strongly endorse any measures aimed at redressing the social and economic imbalances ... Such measures would go a long way towards addressing effectively glaring inequalities ...". 3/

18. Although the recent measures announced by the régime are encouraging, the fundamental issue at stake, however, remains unchanged: will South Africa be transformed into a non-racial, united, democratic State or will the hegemony of the existing white minority bloc be entrenched in new and subtle forms? The issue of negotiations has now become a major site and instrument of struggle.

19. Developments in the recent period demonstrate that the international community needs to maintain the pressure on the Pretoria régime in order to accelerate the process towards negotiations on a new constitutional order for South Africa. With very few exceptions, the international community has retained a consensus on the need to maintain existing measures on South Africa until the process of change has become profound and irreversible. This was reaffirmed by the consensus resolution on apartheid (resolution 44/244) adopted by the General Assembly on 17 September 1990.

20. In the same vein, events in the southern African region indicate that the international community should increase its efforts to support the ongoing negotiations in Angola and Mozambique and to assist in the reconstruction of their economies that have been ravaged by Pretoria's acts of aggression and destabilization against them.

B. Developments since September 1989

1. Internal resistance and new governmental orientation

21. The mobilization of forces opposed to Pretoria's apartheid policies continued throughout 1989. The Campaign of Defiance launched by the Mass Democratic Movement (MDM), whose objectives were to challenge both the continuing bans and restrictions on political organizations and individuals and the racial segregation defined by apartheid laws, culminated in September 1989 in a week of protests against the elections for whites only to the racially segregated tri-cameral Parliament. The 6 September 1989 elections took place in an atmosphere of extreme tension and violence, as millions of workers participated in a two-day stayaway that forced many businesses to close in the large urban centres of the country. According to the Human Rights Commission of South Africa, at least 23 persons were killed as a result of police action. 4/ The Campaign of Defiance continued in the following months, challenging every aspect of apartheid in the "homelands", or bantustans, as well as in the urban areas. The formation of the Pan Africanist Movement (PAM) at a national conference at Soweto in December 1989 further mobilized the forces opposed to the racist apartheid régime. At a national conference in Bloemfontein, in March 1990, PAM became the PAC internal. In effect, through their actions, the anti-apartheid organizations "unbanned" themselves.

22. That defiance was coupled by initiatives calling for the eradication of apartheid through negotiations. Earlier in 1989, ANC began a process of wide consultations with the anti-apartheid opposition within and outside South Africa concerning the politico-economic future of the country. As a basis for discussions, ANC used its 1987 Constitutional Guidelines, which outline its views of South Africa as a non-racial, united and democratic society. By mid-1989, ANC recognized that a "conjuncture of circumstances" existed that was favourable to ending apartheid through peaceful negotiations, and proposed a process that would include a mutual "cease-fire", the formation of an interim government to oversee the transition to a non-racial political system, and negotiations for a new constitution. Reflecting largely the views of ANC, the Organization of African Unity (OAU) endorsed the principle of negotiations between Pretoria and the national liberation movements when the OAU Ad Hoc Committee of Heads of States of Southern Africa adopted the Declaration on the Question of South Africa at Harare on 21 August 1989 (see A/44/697, annex). The Harare Declaration (as it later became known) provided guidelines to the process of negotiations and defined the principles that should be the basis of a new constitution, notably that South Africa should become a united, democratic and non-racial society. The Harare Declaration was endorsed by the Movement of Non-Aligned Countries. The Commonwealth, meeting in October 1989, expressed its strong preference for the path of negotiated and peaceful settlement inherent in that Declaration.

23. At the Conference for a Democratic Future, held on 9 and 10 December 1989 in South Africa, over 4,600 delegates representing more than 2,100 organizations discussed a programme to intensify the struggle against apartheid and to bring greater unity to that struggle. 5/ The Conference resolved to adopt the Harare Declaration and to call for a constituent assembly, established on a non-racial basis and representing all the people of South Africa, in order to draw up a new constitution. The Conference also adopted a number of resolutions varying from the issue of negotiations to education, health, labour and the environment.

24. At the same time, the political realignment within the National Party, which had begun in the early 1980s, became more pronounced during the last months of 1989 after the downfall of President P. W. Botha. The failure of the military to stem internal resistance, combined with the effects of the ongoing economic crisis and the impact of sanctions, induced the National Party to search for a political resolution of the impasse. Following a series of rows within the Party, which led to the resignation of President P. W. Botha on 14 August 1989, Frederik Willem de Klerk was elected leader of the National Party and later State President.

25. In the 6 September 1989 elections, the National Party obtained a narrower majority. Out of the 165 seats, the National Party obtained 93 seats in 1989 compared to 123 in the 1987 elections; the Conservative Party increased its seats to 39 in 1989 from 22 in 1987 and the newly-formed Democratic Party (constituted by the merger of the Progressive Federal Party, the New Democratic Movement and the Independent Party) won 33 seats. Describing the election results as a "clear mandate for the National Party's policy on orderly reform", President de Klerk moved to curtail the influence of the military in the affairs of the country and to consolidate his political base within the Party.

26. The advent of F. W. de Klerk to the Presidency created the conditions for the implementation of a reform plan that had been conceived earlier in 1989 by the Broederbond, the ideological centre of Afrikaner nationalism. The plan envisages a

new political dispensation for all South Africans, while protecting group rights. Outlining his programme for change, President de Klerk spoke of "bridging the gap of distrust, suspicion and fear among South Africans, launching a great 'indaba', or negotiating forum, and developing a new constitution allowing individuals to participate without domination of one group over another".

27. During the last months of 1989, President de Klerk undertook a number of liberalization measures such as allowing mass demonstrations, releasing several long-term prisoners, reducing the length of the national service from two years to one year and dismantling the military-controlled National Management System (NMS). The NMS, a country-wide network of joint management committees, was replaced by the National Co-ordinating Mechanism (NCM) under civilian control. The welfare role of the NCM was emphasized and its security role de-emphasized; nevertheless, the State Security Council (SSC) remains the NCM's most essential component.

28. President de Klerk also reasserted at that time the National Party's political position that power in South Africa should be shared on the basis of racially defined groups rather than according to the principle of majority rule. He, nevertheless, announced that a series of measures were under consideration that would improve the climate for constitutional negotiations. Towards the end of the year, President de Klerk and several Cabinet members held consultations on the country's political future with the still imprisoned ANC leader Nelson Mandela.

2. Declaration on Apartheid and its Destructive Consequences in Southern Africa

29. Through its actions in the United Nations, the international community gave the above developments a critical impetus in December 1989. At its sixteenth special session, held from 12 to 14 December 1989, the General Assembly adopted by consensus the Declaration on Apartheid and its Destructive Consequences in Southern Africa (see Assembly resolution S-16/1, annex). That historic Declaration recognized that "a conjuncture of circumstances exists, which, if there is a demonstrable readiness on the part of the South African régime to engage in negotiations genuinely and seriously, ... could create the possibility to end apartheid through negotiations". Expressing the view that a new constitutional order, determined by the people of South Africa, should be based on the Charter of the United Nations, on the Universal Declaration of Human Rights and on a number of specific fundamental principles, the Declaration listed a number of steps that the régime should take in order to create the necessary climate for negotiations. Accordingly, Pretoria should, at the least:

> "(a) Release all political prisoners and detainees unconditionally and refrain from imposing any restrictions on them;
>
> "(b) Lift all bans and restrictions on all proscribed and restricted organizations and persons;
>
> "(c) Remove all troops from the townships;
>
> "(d) End the state of emergency and repeal all legislation, such as the Internal Security Act, designed to circumscribe political activity;
>
> "(e) Cease all political trials and political executions."

30. While recognizing that the process of change is to be determined by the people of South Africa, the Declaration suggested guidelines for the process of negotiations and for the drawing up of a new constitution. It established a Programme of Action prescribing that the international community should not relax existing measures against the South African régime "until there is clear evidence of profound and irreversible changes, bearing in mind the objectives of this Declaration", and called for the return of South Africa to the fold of the United Nations upon adoption of a new constitution. Finally, it requested the Secretary-General to submit a report by 1 July 1990 on the progress made in the implementation of the Declaration both by the Government of South Africa and by the international community (see sect. IV B to the present report).

3. Climate for negotiations

31. Following the adoption of the United Nations Declaration, which was rejected by the régime as interference in the internal affairs of the country, Pretoria undertook a number of steps, which to a considerable extent, were a response to the demands of the South African majority and to the international community's urging. Some of these steps are relevant to the measures defined in the United Nations and Harare Declarations as necessary to create a climate for negotiations. Accordingly, at the opening of the parliamentary session on 2 February 1990, President de Klerk announced several measures in the context of his final aim, which he claimed was "a totally new and just constitutional dispensation in which every inhabitant will enjoy equal rights, treatment and opportunity in every sphere of endeavour, constitutional, social and economic".

32. Those measures included the following: the unconditional release of Nelson Mandela and the release of certain political prisoners, as well as the reduction to six months of the maximum period of detention allowed in terms of the security regulations. The measures also provided for the lifting of the banning order on ANC, PAC and SACP and the restrictions on 33 organizations and individuals; the end of the emergency regulations on the media and on educational activities; and the granting of an automatic right of appeal to those under sentence of death, which should be limited as "an option of sentence to extreme cases". All executions were to be suspended until Parliament took a final decision on these new proposals. In addition, certain other aspects of the emergency regulations would be abolished or modified and, for instance, detainees would acquire the right to legal representation and a medical practitioner of their own choosing.

33. In line with President de Klerk's announcement, ANC leader Nelson Mandela was released on 11 February 1990 after 27 years of imprisonment. Other important developments followed. At Groote Schuur, from 2 to 4 May 1990, South African authorities and ANC leaders held the first talk in 78 years in what was considered as the beginning of a process to clear all the obstacles to negotiations. Following the talks, the two parties agreed on the Groote Schuur Minute which stated, among other things, their "... commitment towards the resolution of the existing climate of violence and intimidation from whatever quarter, as well as a commitment to stability and to a peaceful process of negotiations ...".

34. On 4 May 1990, the Minister of National Health and Population Development announced the end of racial segregation in hospitals, although the measure would apply to public hospitals only. Authorities also declared that the Group Areas Act and the Land Acts would be repealed early in 1991. In addition, the Minister of

Constitutional Development, in his capacity as Acting President, introduced in Parliament a 12-point plan on the constitutional future of the country, according to which minorities, because of their particular values and aspirations, should have a special voice in the new constitutional dispensation. The plan includes State support for racially separate schools, the holding of regular elections, a bill of individual human rights, the preservation of the free market system and the existence of an independent judiciary.

35. In June 1990, the Parliament removed one of the pillars of apartheid law when it adopted the Discriminatory Legislation Regarding Public Amenities Repeal Act, which abolished the Reservation of Separate Amenities Act, No. 49 of 1953. The measure came into effect on 15 October 1990. The intense opposition by municipalities run by the Conservative Party in rural, mining and industrial towns, could undermine the positive effects of this measure.

36. On 6 August 1990, the South African authorities and ANC leaders agreed on the Pretoria Minute, a salient feature of which was the ANC decision to suspend all armed actions and related activities with immediate effect. The régime undertook, among other things, to begin a phased release of political prisoners and to continue reviewing security legislation with a view to introducing amending legislation at the next session of Parliament.

37. President de Klerk further outlined his views of a future South Africa during an address to the National Press Club in Washington, D.C., on 25 September 1990. At that point he emphasized that the National Party stood now for a multi-party democracy with regular elections, the participation of all South Africans in a Government at all levels "through power-sharing without domination", the protection of minorities against the abuse of majority power and a vote of equal value for all. He reiterated the régime's position that the judiciary be independent and that the economic system be orientated by the market. In a related development, in October 1990 the National Party opened its ranks to all South Africans.

38. Authorities also sought the participation of, among others, PAC, the Inkatha Freedom Party, the Azanian People's Organization (AZAPO) and the Democratic Party, in the present process towards negotiations.

39. The following sections examine various issues concerning the creation of a climate for negotiations.

(a) Political prisoners and detainees

40. The régime's response to the call for the release of all political prisoners and detainees has been fraught with ambiguities. The release of political prisoners announced by President de Klerk on 2 February 1990 covered only a small proportion of those prisoners, namely, those persons serving prison sentences for membership in those organizations which were no longer banned or for offences which were illegal only because of such bans. Others, imprisoned partly on account of such actions, would have their sentences reduced. His statement made no reference to "political prisoners" and he specifically excluded "prisoners sentenced for other offences such as murder, terrorism or arson". The Human Rights Commission of South Africa, in a special report published at the end of May 1990, noted that, while the official figure released in Parliament concerning "security prisoners" was 347, its records indicated that there were still between 2,500 and 3,000 political prisoners in the country's gaols. The report included a list of 1,522

names of political prisoners, who were defined as "any person who is in prison as a direct result of his [her] opposition to the system of apartheid". 6/

41. The issue of the release of political prisoners was central to the discussions held by ANC and the authorities at Groote Schuur from 2 to 4 May 1990 and in Pretoria on 6 August 1990. The two parties agreed in Groote Schuur to establish a Joint Working Group to make recommendations on the definition of political offences; to discuss, in this regard, time scales, and to advise on norms and mechanisms for dealing with the release of political prisoners and the granting of indemnity concerning political offences to those inside and outside South Africa. In the mean time, the Groote Schuur Minute authorized the consideration of the release of political prisoners convicted either of leaving South Africa without a valid travel document or of membership in a previously prohibited organization. In accordance with the Minute, temporary indemnity (Indemnity Act No. 35 of 1990) was granted for the members of the ANC National Executive Committee and others outside South Africa to permit them to return to South Africa for the talks with the authorities.

42. The report of the Joint Working Group was adopted by both parties and published with the Pretoria Minute on 7 August 1990. 7/ The Pretoria Minute provided for the formulation of guidelines to be applied to members of all organizations, groupings or institutions, governmental or otherwise, who committed offences "on the assumption that a particular cause was being served or opposed". A plan was drawn for the phased release of prisoners and for the granting of indemnity for political offences to all exiles. According to the plan, contained in the October 1990 report of the Joint Working Group, only a narrow range of political exiles will likely be granted unconditional indemnity in the near future, while thousands of future returnees will have to submit to a process of individual scrutiny in which President de Klerk makes the final decision. Between 2 February and 22 October 1990, a total of 177 political prisoners were released. Of the 177, 61 were released since the Pretoria Minute was adopted, that is, during September and October 1990. Virtually all of the released prisoners had served two thirds of their sentences at the time of their release. The Human Rights Commission further pointed out that between January and August 1990, another 69 persons were convicted for political offences. 8/

43. The continuous implementation of certain sections of the Internal Security Act (ISA) may hinder the process leading to the release of all political prisoners. On 25 July 1990, Sathyandranath (Mac) Maharaj, a senior member of the ANC National Executive Committee and a member of the central committee of SACP, was arrested in Johannesburg, and has been detained incommunicado since then.

44. By 31 August 1990, a total of 164 persons were being held under various sections of the security laws. Following the Declaration of Unrest Areas in September 1990, more than 40 persons were detained under the Unrest Areas Regulations Act, including members of the Azanian People's Organization (AZAPO) in Soweto. 9/

45. During the course of 1990, seven persons died while in police custody. Below are the names of the seven reported cases:

(a) On 16 January 1990, Mbuyiselo Nicholas Phiri (16) died during interrogation at the Welverdiend Police Station. Police are investigating his death;

(b) On 29 January 1990, Michael Zungu (20) from Natal was found dead in the back of a police van outside Mtubatuba Police Station. He allegedly hung himself with his shoe laces;

(c) On 30 January 1990, Clayton Sizwe Sithole, detained under section 29 of the Internal Security Act, was found hanged from a water pipe at John Vorster Square Police Station at Johannesburg. A commission of inquiry into his death - the first into a death in detention - held that he committed suicide;

(d) In March 1990, Lucas Tlhokomisang died under police custody in hospital after allegedly being assaulted during detention;

(e) On 1 June 1990, Donald Thapelo Madisha, detained under section 29 of the Internal Security Act, was found hanged at his cell at the Potgieterorus Police Station. He was in solitary confinement;

(f) On 13 July 1990, Eugene Thokozane Mbulawa (15) from Carletonville died in hospital after allegedly being assaulted while in police custody;

(g) On 23 July 1990, Japie Andries Matabogo from Ventersdorp died in hospital under police custody after having been severely beaten by police. A police investigation is under way and a police constable has been suspended.

(b) Bans and restrictions on organizations and persons

46. By lifting all bans and restrictions on all proscribed and restricted organizations and persons, the régime undertook one of the necessary steps to create a climate conducive to negotiations.

47. However, the powers to ban and restrict are intact under the Internal Security Act and the Riotous Assemblies Act. Section 4 of the Internal Security Act allows the Minister of Law and Order to declare unlawful any organization he believes to be a threat to the State. Section 46 provides for the banning of all outdoor political gatherings without permission. This provision, which was exercised for the fifteenth consecutive year starting on 30 March 1990, specifies a ban on all gatherings "in any building whatsoever" at which educational boycotts or work stayaways are advocated. Emergency regulations also allow the Minister of Law and Order to prohibit an organization from engaging in "any activity or act whatsoever", other than administrative duties.

48. Anti-apartheid organizations contend that, despite the removal of the bans, the prohibition of gatherings and the breaking up of "illegal" gatherings prevents them from engaging in free political activity. In addition, the Disclosure of Foreign Funding Act No. 31 of 1974 strictly controls and restricts the ability to receive funds from abroad. To date, both the United Democratic Front (UDF) and the National Union of South African Students (NUSAS) are prohibited from receiving foreign funds under the Affected Organizations Act.

(c) Troops in the townships

49. The United Nations Declaration called for the removal of all troops from the townships. This issue was not addressed by President de Klerk during his speech on 2 February 1990, and the security forces remain on active patrol in many of the black townships. Moreover, considerable additional manpower provided by the South

African Defence Force has been deployed in the province of Natal. The authorities argue that "as the ratio of police to population in South Africa was amongst the lowest in the world, currently just under 2 per 1,000, troops were needed to help restore order". 10/ However, violent actions by the security forces, such as the shooting of residents in the township of Sebokeng on 3 September 1990 continue (see sect. II B4 to the present report).

(d) State of emergency and security legislation circumscribing political activity

50. On 7 June 1990, the state of emergency was lifted in all areas of the country except Natal. Later, on 18 October 1990, President de Klerk announced the lifting of the state of emergency in Natal province, including the KwaZulu bantustan. ANC welcomed the measure and called further for the withdrawal of troops such as 32 Battalion from Natal. "This [the measure] should help create the climate essential for peace and free political activity", ANC said. By ending the state of emergency, the régime undertook a further step towards creating a climate conducive to negotiations.

51. Freedom of political activity is, however, severely curtailed under a series of repressive laws, the most notable of which are the Public Safety Act and the Internal Security Act. Following is a brief description of some of the security laws in force in the country at present.

52. The Internal Security Act No. 74 of 1982 confers to the authorities wide powers concerning detention without trial, banning of persons and organizations, gatherings and publications, and imprisonment for various political actions. Section 29 of the Act authorizes indefinite detention for interrogation without charge or trial. Section 31 permits potential State witnesses in political trials to be held incommunicado indefinitely. Section 50 allows a police officer to arrest anyone without a warrant and hold that person incommunicado for 48 hours, if, in the officer's opinion, that person's actions are contributing to "the continuation of a state of public disturbance, disorder, riot or public violence".

53. The Public Safety Act No. 3 of 1953 enables authorities to declare a state of emergency granting even wider and more unbridled powers to be used on a mass scale. Amendments to both the Internal Security and Public Safety Acts were passed shortly after the declaration of the state of emergency in June 1986. The amendment to the Internal Security Act permits the detention for up to 180 days without trial of persons considered a threat to public safety. The Public Safety Amendment Act No. 67 of 1986 allows authorities to designate certain areas as "unrest areas" in which the security forces would be granted extended powers without a state of emergency being actually declared. On 24 August 1990, the Minister of Law and Order announced that he had declared 19 magisterial districts, encompassing 27 black townships, as "unrest areas" in terms of section 5A of the Public Safety Act No. 3 of 1953. These regulations are virtually identical to state of emergency regulations and include the powers of entry, search and seizure without warrant. In addition, in Official Notices Nos. R2064 and R2063 of 24 August 1990, the Minister of Law and Order, under the Dangerous Weapons Act of 1968, prohibited the possession of a long list of specified weapons and of firearms while participating in gatherings (which are for aggressive purposes) within the unrest areas. 11/ At the same time, a curfew was imposed in seven townships near Johannesburg, effective from 9 p.m. to 4 a.m. Anti-apartheid organizations criticized such measures as being a hindrance to their organizing efforts. In October 1990 authorities lifted the curfew.

54. Freedom of assembly also continues to be restricted by the Gathering and Demonstrations Act and the Demonstrations in or near Court Buildings Prohibition Act. Under section 46 of the Internal Security Act, all outdoor political gatherings can be banned and made subject to specific permission, and if a gathering takes place without permission, the police has wide powers to disperse it, even where there is no threat to public order.

55. The intricate web of South African security legislation, which extends far beyond the emergency regulations and the Internal Security Act, thus restricts free political activity by encroaching on the freedom of assembly and the freedom of the press and by allowing repressive actions against persons.

56. The possession of passports for South African citizens is a "privilege", not a right, and may therefore be refused or withdrawn at any time, with no possibility of a court challenge of such refusal. Moreover, the "listing" of persons under the Internal Security Act makes it an offence, punishable by up to three years' imprisonment, to quote any utterance, past or present, of any person listed. Newspapers editors must constantly maintain a thorough knowledge of the list, in order not to fall foul of the law. By August 1990 there were some 300 persons listed. 12/

57. Security legislation also impinges on freedom of the press as the power to ban publications remains intact under the Internal Security Act. On 5 September 1990, authorities announced that the three-month easing of media restrictions was being rescinded and the new unrest areas regulations would bar journalists from such areas as their presence tended to "incite" violence. The rules went into effect a day after residents of Sebokeng, speaking to journalists about the killings in the area, alleged that the police were in collusion with the attackers. In addition, the media is still restricted by such laws as the Publications Act, the Protection of Information Act, the Police, Prisons and Defence Acts and the Intelligence Act. For instance, as a result of its reporting on activities of officially sanctioned death squads and the extreme right, the Vrye Weekblad, an opposition Afrikaans newspaper, faces a R 1 million suit from the deputy commissioner of police. In other instances, journalists were prohibited access to squatter areas in which police were demolishing shacks.

(e) Political trials and executions

58. On 2 February 1990, President de Klerk announced the suspension of all executions. The Criminal Law Amendment Act, No. 107 of 1990, which was adopted during the last session of Parliament, abolished the compulsory imposition of the death sentence (which applied in cases of murder without extenuating circumstances) and vested the Supreme Court with discretionary powers in this regard. All persons sentenced to death would have an automatic right of appeal, and the defence counsel would be empowered to appeal for clemency if the accused decided not to do so. The Act also provided for the appointment of a panel of legal experts and Appeal Court Judges to review the cases of all persons previously sentenced to death. In addition, it allowed that no death sentence would be passed on youths who were under the age of 18 at the time of the offence. Nevertheless, political trials and convictions continue under the Internal Security Act and other security legislation. Anti-apartheid opponents consider that a law explicitly preventing executions for political offences needs to be adopted. More than 290 political trials were in progress by August 1990, involving at least 2,180 persons. 13/ By the end of August 1990, over 300 prisoners were still on death row, of whom 58 had been convicted for politically related reasons. 14/

4. Obstacles to free political activity

59. A major factor threatening free political activity in South Africa and the fragile process of negotiations is the current violence prevailing in parts of the country. The actions of substantial elements of the security forces, in addition to those of vigilantes and extreme right groups, carried out directly or through groups associated with the apartheid structures, remain largely unchecked and are primarily responsible for the current level of violence. While the violence is an expression of political conflict, its roots lie in the socio-economic factors resulting from the apartheid system. The long-term consequences of this violence could be the creation of a permanent conflict and the promotion of a "culture of violence", in which killing is the norm and in which force rather than democratic debate becomes an acceptable solution to any type of difference. Observers point out that, unless the violence is brought under control, it can seriously undermine at the local or regional level any agreement at the national level between the authorities and anti-apartheid forces.

60. Human rights observers have identified several types of violence, all having a serious impact on the present political climate: violent actions perpetrated by the security forces, attacks by hit-squads against anti-apartheid activists and organizations, violence by the extreme-right and vigilante violence and conflict between political organizations. It is estimated that in August 1990 alone more than 700 persons were killed and more than 2,300 injured through violent actions of the security forces, vigilante and extreme-right groups, and hit squads. 15/

(a) Violent actions by the security forces

61. According to evidence given before the United Nations Ad Hoc Working Group of Experts on Human Rights in South Africa, 170 persons died and 1,500 were injured as a result of police action in South Africa between 2 February and 30 June 1990. The number of deaths had increased to 197 and the number of injuries to 2,490 by 31 August 1990. 16/ This heavy toll may result largely from the fact that security legislation empowers police officers above the rank of warrant officers to use arms, including fire arms, for dispersal of gatherings. In one incident at the township of Sebokeng (Southern Transvaal Province), on 26 March 1990, police opened fire on anti-apartheid protesters, killing 18 persons and wounding more than 280. The demonstration was in protest against high rents and racially segregated local facilities. 17/

62. An official Commission of Inquiry into the Sebokeng incident, led by Justice Richard Goldstone, released its report on 1 September 1990. Justice Goldstone found that the riot police had used force that was "quite immoderate and disproportionate to any lawful object sought to be attained", and that there was no "credible evidence to suggest the behaviour of the crowd was such that the policemen could have reasonably been in fear of their lives or personal safety". He also found that the conduct of the policemen who shot live ammunition into the crowd merited the attention of the Attorney-General. Suggesting some mechanisms for proper consultations between the leaders of demonstrations and the authorities, "both local and the police", Justice Goldstone, nevertheless, criticized the police investigation into the events as "haphazard and unprofessional" and further said that the investigation was subjective and "would have placed a very biased and one-sided picture before anyone seized with the fruits of the investigation". 18/ Justice Goldstone questioned the inclusion of "special constables" (Kitskonstabels) in a "Reaction Unit", which had been a major contribution to the shooting. He

further pointed to the "mendacity" of a certain police officer who joined the police line during the incident. As Justice Goldstone said: "... I was disturbed at the callous attitude of a small number of policemen who testified before the Commission. They displayed an attitude of unconcern for the lethal nature of their ammunition and for the consequences of its use. This is an attitude which no police force should tolerate ..." 19/ In response to the report, the Minister of Law and Order, said that the necessary corrective measures were being taken to enhance the effectiveness of the South African Police (SAP).

63. Most demonstrations to protest against the violence of the police were dispersed by members of SAP and SADF, using tear gas, rubber bullets and sometimes live ammunition. On 20 May 1990, 10 persons were killed in the township of Thabong, near Welkom, when police opened fire on a crowd that was dispersing after a mass meeting. Later, on 4 September 1990, units of the South African Defence Force (SADF) called to provide support to the police, shot at residents in Sebokeng, killing 11 persons. 20/ Community organizations, such as the Alexandra Civic Organization, have accused the security forces of deliberately killing anti-apartheid activists such as Meshack Kunene who was shot in Alexandra on 30 June 1990. The police is investigating the circumstances surrounding his death. The ANC sent a report on police violence to President de Klerk on 16 July 1990, demanding an end to the "shocking inhumanity" of police action in rural areas. The report was based on some 50 statements to lawyers by victims of such action in the farming towns of Ashton, Montague and Roberston. Criticisms were also laid against a nationwide "crime prevention exercise" known as "Operation Watchdog", which was carried out between March and May 1990, and involved search and seizure sweeps in townships.

(b) Attacks by hit-squads

64. Attacks by secret hit-squads, allegedly run by SAP and SADF against anti-apartheid activists and organizations, seriously hindered political activity and contributed to the existing climate of fear prevailing in the country. Since the mid-1970s, over 100 anti-apartheid activists have been killed in political assassinations. These victims have included some of the most prominent figures in the anti-apartheid movement. However, prosecutions have been instituted in only two cases.

65. In October and November 1989, former security policemen Butana Almond Nofomela, David Tshikalange, and their Captain, Johannes Dirk Coetzee, confessed that they had been members of a death squad, which was officially authorized and funded by SAP. The squad was known as Unit C1 and was based at Vlakplaas farm near Pretoria. In early 1990, another death squad was revealed, notably the Civil Co-operation Bureau (CCB), which was sponsored by SADF. Following a public outcry about these revelations, a public judicial inquiry, chaired by Justice Louis Harms, was instituted by President de Klerk in February 1990. The mandate of the Commission was to investigate these allegations, as well as the activities of the CCB. A total of 71 murders were to come under scrutiny, including those of David Webster, a member of the Human Rights Commission in South Africa, who was assassinated in Johannesburg on 1 May 1989, and of Dr. Louis Ribeiro and his wife, both of whom were killed in December 1987.

66. The inquiry has uncovered the existence of clandestine units within both the police and the army, but has not established detailed facts. Various anti-apartheid organizations criticized the narrow terms of reference of the

Commission, which is concerned only with incidents that took place in South Africa, not outside its borders. Hit-squads are suspected of having carried out more than 60 murders and acts of violence in countries as far away from South Africa as France and Belgium. The failure to call such witnesses as the Minister of Defence and the Minister of Law and Order and to obtain a long list of documents from the CCB further reduced the value of the Commission's inquiry.

67. According to the Independent Board of Inquiry into Informal Repression (IBIIR), the deliberate concealment of the project files was an attempt to disguise the activities of the CCB. In addition, the Commission's proceedings were surrounded by acts of defiance by key witnesses, including senior military officers. Both the Human Rights Commission and the IBIIR accused the hit-squads of continuing to carry out their operations even during the Harms inquiry. In July 1990 alone, at least 10 hit-squads actions were recorded resulting in four deaths. The Human Rights Commission pointed, in particular, to the murders of Aldo Mogano in the township of Alexandra on 7 April 1990 and of Sam Chand (a member of PAC), and his family, in Botswana on 23 April 1990, and to the severe injuries inflicted upon Reverend Michael Lapsley by a parcel bomb sent to him at Harare last April. 21/ The CCB, which appears to have been formed in 1986 and to have operated up to 64 offices around the world with some 200 agents, was "officially" disbanded on 31 July 1990. 22/

68. Another commission, the Hiemstra Commission of Inquiry, was established in March 1990, to investigate allegations that the Johannesburg City Council operated since 1986 a network to spy on such anti-apartheid organizations as the Five Freedoms Forum and to conduct acts of intimidation and harassment. Evidence was heard by Justice Hiemstra that this group operated on behalf of South African Military Intelligence and that members routinely resorted to violence.

69. On 20 September 1990, the Washington-based Southern Africa Project of the Lawyers' Committee for Civil Rights under Law issued a report entitled South Africa's Death Squads, in which it recommended a series of steps "in the interest of full disclosure of death squad abuses and enforcement of the rule of law". 23/ Among these steps, the Lawyers' Committee recommended that the Pretoria régime should extend the terms of reference of the Harms Commission to investigate allegations concerning death squad activity not only within South Africa but also outside its borders; release to the Commission all pertinent documents regarding death squad activity; institute criminal proceedings against any officials implicated in such activity; terminate any funding or logistical support currently going to the police and military for the use of death squads and investigate the activities of the extreme right, and vigorously prosecute any illegal acts. The Lawyers' Committee further stated that these steps should be pursued as a matter of urgency in order to end officially sponsored death squad activity and to guarantee that such activity does not continue to be pursued through extreme right organizations. 23/

(c) Violence by extreme-right groups

70. Although extreme-right groups have been active in South Africa for decades, their attacks on property and individuals escalated dramatically after President de Klerk's speech to Parliament on 2 February 1990. Those groups are deeply opposed to a process that may lead to the democratic transformation of South Africa. For instance, in July 1990 some 20 incidents of extreme right terrorism were recorded, resulting in 9 deaths and 59 injured. In August 1990, there were 15 incidents leading to 4 deaths and 24 injured. 24/

71. A delegation of right-wing extremists held talks with President de Klerk in Pretoria on 26 June 1990. Mr. Jaap Marais, leader of the small Herstigte Nasionale Party and head of the delegation, expressed the "very deep feelings of unrest and insecurity" generated among Afrikaners by the authorities' new policy, and stated that the National Party had not received a mandate to carry out such reforms. 25/ These views had already been expressed at a rally organized on 26 May 1990 at the Voortrekker Monument outside Pretoria, which was attended by some 50,000 persons. Participating organizations announced plans to form an army of 30,000 men in Pretoria "to protect white property, women and children against blacks". 26/

72. Researchers estimate the number of white Afrikaner militant groups to be as high as 46. In a memorandum published in July 1990, the IBIIR listed 29 such groups. 27/ The largest and most well established of these extra-parliamentary right-wing groups is the Afrikaner Weerstandsbeweging/AWB (Afrikaner Resistance Movement) formed in 1974 by Eugene Terreblanche, a former sergeant in SAP. The AWB trains commandos and overtly preaches violence. Two of its members are sought by the Namibian police in connection with the murder of a security guard, on 24 August 1989, in an attack against offices of the United Nations Transition Assistance Group (UNTAG). Another organization, the "Blanke Veiligheid" (White Security), was formed in Welkom in February 1990, ostensibly to fight crime by patrolling the streets of the town, but in reality, to terrorize blacks. Such actions dramatically increased tension in the city, leading to several deadly incidents. The Boerstaatparty (Boer State Party), led by Robert Von Tonder and Piet Rudolph, advocates the creation of a Boer State, incorporating the old Boer republics of the Transvaal, the Orange Free State and the northern Natal. The "armed wing" of the Boerstaatparty is the Boere-Weerstandsbeweging (BWB). Piet Rudolph, who was sought by the police in connection with the theft of arms from the South African Air Force Headquarters at Pretoria and various other violent incidents, sent a video tape to the Die Beeld newspaper in July 1990, in which he declared war on the régime and ANC. He was arrested on 17 September 1990.

73. The violent actions for which these groups have claimed responsibility or which were attributed to them include the bombing of the Welkom offices of the National Union of Mineworkers/NUM, an affiliate of the Congress of South African Trade Unions (COSATU), on 9 June 1990; that of the offices of the Vrye Weekblad newspaper at Johannesburg on 5 July 1990, and the explosion of a bomb on 16 July 1990 at a crowded taxi stand, which injured at least 27 blacks. 28/ The IBIIR stated in the above-mentioned memorandum that "right-wing leaders are confident that they have the support of the rank and file in SADF and SAP".

(d) Vigilante violence and conflict between political organizations

74. The violent confrontation between political organizations, which had gone unrestrained in the province of Natal for several years, worsened during 1989 and 1990, and spread to the black townships of the Transvaal province. According to a report published in April 1990 by the South African Institute of Race Relations, the violence is at its highest level in modern times. In 1989, at least 1,403 people, most of them black, died in political violence, the Institute said, while estimates for 1990 placed the number of deaths between 574 and 966 in the first three months alone. 29/ The conflict in Natal involves mainly members of the Zulu-based Inkatha Movement (recently renamed Inkatha Freedom Party) and the supporters of the UDF and COSATU, who, in that region, are predominantly Zulu-speaking. By April 1990, most of the killings had taken place in Natal where more than 12,000 people had fled their homes as a result of the wave of violence.

However, the report already warned that a striking feature of the violence was its spread outside Natal.

75. Data given by the Institute showed that only 9 per cent of the fatalities occurred outside Natal in 1989, whereas, in the first three months of 1990, this proportion had risen to 28 per cent. By September 1990, more than 4,000 had been killed in Natal. One of them was Iris Magwaza, district organizer for the ANC in the Southern Transvaal region, who was killed at her home by an unknown assailant on 30 September 1990. Ms. Magwaza was co-ordinating peace efforts between Inkatha and the ANC in Natal. In a message to ANC and her family, the Special Committee against Apartheid deplored this act of violence "as is directed against those forces working to reduce tension" and for a climate of peace. The months of August and September 1990 also saw a number of violent clashes in the Reef (Transvaal province) between Inkatha supporters, mostly hostel dwellers, and township residents, many of whom are ANC supporters. The first major incident occurred on 22 July 1990 when about 4,300 men wearing cloth headbands and allegedly backed by balaclava-clad whites, staged an armed raid on the Sebokeng hostel complex near Vereeniging, following an Inkatha Freedom Party rally at the Sebokeng stadium. Twenty-four persons were killed, including 19 members of the COSATU-affiliated National Union of Metalworkers of South Africa (NUMSA). Two of the hostel blocks singled out by the vigilantes housed NUMSA members on strike at two different companies.

76. Incidents that occurred later included another attack at the Sebokeng hostels, random sniping at pedestrians in the streets of Johannesburg and a massacre on a commuter train between Johannesburg and Soweto on 13 September 1990. Twenty-six persons were killed and more than 100 wounded when a gang methodically attacked passengers with shotguns, knives and pangas in a crowded train. The overall fatality figure may be as high as 36 deaths and 270 injured. 30/ Statistics for July 1990 reveal 72 vigilante attacks resulting in 111 deaths. In September 1990 deaths as a consequence of vigilante-related violence topped the 800 mark and injuries reached more than 1,600.

77. As the Special Committee said, in a statement issued on 31 August 1990, the current violence is the "direct consequence of apartheid policies, namely, the homeland policy and the migrant labour system, which have increased tensions in black communities". Using the "inter-tribal" label to describe the conflict only perpetuates the notion that any conflict among Africans has its origin in the "tribal traditions" of Africa. Although Inkatha members are Zulus, not all ANC supporters are Xhosas; in Natal, in most cases, the violence pitted Zulus against Zulus. While there have been incidents of violence involving supporters of ANC and PAC, particularly in the Transvaal and Eastern Cape provinces, the bulk of the political violence involves supporters of UDF/COSATU/ANC and Inkatha. In the case of UDF/COSATU/ANC and PAC, they have made peace efforts to prevent the occurrence of such incidents.

78. The Natal conflict has also been attributed to a combination of other factors emanating from the apartheid structures and policies such as the structural poverty which pervades the Natal townships and rural areas and the consequent competition for scarce resources; the rivalry between political organizations within Natal; the antagonisms between local power structures in the black residential areas, and the social divisions within and between black residential communities based on different levels of material deprivation. 31/ A similar observation can be made concerning the causes of the recent fighting between hostel dwellers and township

residents around Johannesburg which, to a considerable extent, is attributable to the migrant labour system. Hostel dwellers and township residents have to compete for scarce resources, namely, land, employment and facilities, which contributes to sour already strained relations. The appalling living conditions in both the single-sex hostels and the squatter camps lend themselves to the potential outbreak of violence. For instance, while Soweto's five hostels officially accommodate 13,000 workers, some estimates of unofficial occupancy go as high as 39,000. As a whole, nearly 125,000 migrant workers live in 31 hostels in townships like Soweto, east and south of Johannesburg. 32/

79. In affidavits collected by the IBIIR, witnesses report that the police failed to disarm the hostel dwellers and, in many cases, accompanied them during the attacks against township residents. The "cultural weapons" carried by Inkatha members included AK47 and R1 rifles and machine-made clubs and machetes. In addition, eyewitnesses pointed to the presence of whites with blackened faces (or balaclava) among the groups inciting the violence. On 16 September 1990, between 25,000 and 30,000 Zulus, most of them armed with "cultural weapons", were allowed to attend a rally at Soweto, which was addressed by Zulu King Goodwill Zwelithini. COSATU has evidence that in several instances the police failed to respond to its early warnings about attacks that were being planned in the hostels. Statements of township residents also suggest that the violence on the Reef started soon after the relaunch of Inkatha as a national political party on 15 July 1990. 33/

80. According to Lloyd Vogelman, Director of the Project for the Study of Violence at the University of the Witwatersrand:

> "The hostels have become the flash-point of bloody confrontations. Isolated and often prison-like, they are the breeding grounds for an aggressive and machismo culture unrestrained by the stabilizing presence of families. Living in a hostel helps foster a group identity, firstly because hostels have historically been run along ethnic lines. Secondly, for the hostel residents there is a shared daily experience, all of which makes it extremely amenable to being organized.
>
> "As a result, particular hostels often become strongholds of particular organizations. This helps to explain some of the organized nature of the current violence centred around the hostels. The violence we are witnessing is not a spontaneous outbreak of ethnic conflict. It is organized, orchestrated and planned."

81. The creation of bantustans has sown the seeds of violence, as the bantustan leaders have established a self-perpetuating structure of "traditional" and "clientele" relationships which the national liberation movements have vowed to dismantle. In Natal, UDF/COSATU/ANC assert that Pretoria and the KwaZulu authorities, in particular their police forces, are a major obstacle to the creation of a peaceful settlement in the area because of their lack of impartiality. They point out that despite hundreds of charges of criminal activities carried out by Inkatha members in that region, only 12 prosecutions were obtained. Similar assertions of complicity between the South African and KwaZulu police and Inkatha members were made concerning the recent violence in the Reef.

82. Nelson Mandela has criticized the attitude of security forces in the conflict, and stated further that a highly trained force, similar to that of the Resistência

Nacional de Mozambique (RENAMO), was active in South Africa. After meeting President de Klerk on 14 September 1990, he said that the latter had conceded that a "hidden hand" appeared to be at work in the township violence. The same day, a statement by President de Klerk's office acknowledged that: "There are forces which do not wish peaceful negotiations to succeed." 34/

83. The violence engendered by this complex combination of factors has developed its own momentum and is becoming a serious threat to the process towards negotiations. The UDF/COSATU/ANC have proposed several steps that the authorities should take in order to quell the violence in Natal, including the withdrawal of police powers from the Chief Minister of the KwaZulu bantustan and the establishment of an independent commission of inquiry. They, along with members of the Natal Joint Working Committee, held consultations with and made recommendations to President de Klerk and some of his Cabinet members on the violence at Natal.

84. Similar recommendations were made by the International Commission of Jurists (ICJ) on 7 September 1990, following a visit to the Natal region. The ICJ suggested, among other things, that a four-sided meeting take place among ANC, Inkatha, the authorities and the churches. The role of the latter two would be to ensure that any agreement reached is carried out and that the Inkatha Central Committee does not again "seek to impose a moratorium on peace - a concept that is unique in the history of diplomacy and reflects no credit on Inkatha". 35/

85. The Special Committee against Apartheid appealed to the parties concerned to seek a mechanism that will stop the violence and enhance the possibility of a future national reconciliation. Similar expressions were made by the Organization of African Unity, the European Community and the United Nations General Assembly. Expressing grave concern at "the escalating violence in South Africa," the General Assembly, in its resolution 44/244 of 17 September 1990, called for an immediate end to violence and urged the South African authorities "to take urgent action to end it, specifically by dismantling the apartheid structures, as well as ensuring effective and impartial action by the security forces". The Assembly also called "upon all parties concerned to contribute to the establishment of a climate free of violence".

86. The United Nations Secretary-General, speaking before the resumed forty-fourth session of the General Assembly on apartheid, stated his profound sense of anguish and deep concern at the continually spiralling cycle of violence in South Africa. While it was not his intention to apportion blame or responsibility, the Secretary-General expressed "special concern about the growing allegations of the culpability of elements of the security forces in these incidents [of violence]". 36/

87. A meeting took place on 19 September 1990 between the National Executive Committee members of ANC, who constituted a special sub-committee to look into the Natal violence, and a delegation of the Central Committee of the Inkatha Freedom Party. This was the first meeting between such high-ranking officials of both organizations since a meeting in London in 1979. On 23 October 1990, ANC proposed a meeting with its Inkatha Freedom Party counterpart with the participation of Chief Mangosuthu Buthelezi and ANC Deputy-President Nelson Mandela in the near future. The groundwork for this meeting was established in Natal in October 1990 after regional peace accords were signed and high-level meetings took place between both parties. Earlier, the Anglican Archbishop of Cape Town, the Most Reverend Desmond Tutu, announced that he would convene an urgent meeting of

leaders of all South African political groups to develop unity and to co-ordinate strategy on negotiations with the authorities. Stating that the aim of the meeting was to have a "black political summit", Archbishop Tutu said that he would invite all the leaders of substantial black political movements ... so that our people would judge leaders who refused to attend as enemies of unity, peace and liberation". 37/

C. Present situation

88. The lifting of the ban and restrictions on political organizations and individuals allowed the national liberation movements to emerge into open political activity and to focus their efforts on rebuilding their structures and creating the political space for debate and consultation on the future South Africa. Along with their anti-apartheid allies, ANC, SACP, PAC and other political organizations are engaged in a dynamic process to deal with the new challenges in the evolving situation. These organizations are all involved in restructuring their branches in the regions through a process of political education in which the present and the future of South Africa are being debated. Such other organizations as AZAPO and the Black Consciousness Movement (BCM) are engaged in a similar undertaking.

89. Concerning negotiations to end apartheid, even though Pretoria has invited PAC to join the current talks on negotiations, PAC has stated that it will not, at this time, be part of such a process as long as negotiations remain in the preliminary or pre-bargaining stage. The PAC, according to its senior member Kwedi Mkalipi, supports the demand for the establishment of a constituent assembly where representatives of the people elected by universal adult franchise will deliberate and enact a new constitution for the country. 38/ Under these circumstances, PAC is demanding the repeal of the Population Registration Act, the Land Acts, the Constitution Act (establishing the racially segregated tri-cameral Parliament), the Bantu Education Act, the acts establishing the bantustans and all security laws which restrict freedom of speech and assembly. At Johannesburg, PAC convened a national Conference of the Oppressed in July 1990, in which a working paper on the economy called "An Exploratory Diagnostic, and Contingency Exposition" was discussed. The paper, which envisages a planned economy, is to be debated in the organization's branches around the country before economic policy is finalized at the scheduled congress of PAC in December 1990.

90. ANC has begun a process of discussion of constitutional proposals, as well as a post-apartheid economy. The latter discussion is being greatly assisted by the work of economists associated with COSATU who have for some time focused their attention on the future structure of the economy in South Africa. Some major issues under scrutiny and debate are nationalization, industrial and land policy and a worker's charter. This debate is taking place in the context of seminars and discussion groups held by COSATU branches and by ANC, SACP and other groups. The economy and other subjects will be discussed at the ANC national conference scheduled for June 1991, in preparation for which a series of regional conferences are taking place.

91. Several political organizations have made pronouncements on the current process towards negotiations, in particular following Pretoria's invitation to them to participate in the ongoing talks. The resolution of AZAPO on negotiations, adopted at its ninth annual congress on 4 March 1990, stated that the timing for negotiations was premature and, instead, called for a conference of the

organizations of the oppressed to develop a common ground among them. In a joint communiqué, issued in October 1990, AZAPO and the BCM rejected President de Klerk's process of negotiations as undemocratic because it summoned "resistance organizations separately and disparately".

92. Other initiatives continue to promote a democratic debate on the present and the future of South Africa. Such organizations as the Institute for a Democratic Alternative for South Africa (IDASA) organized in the recent period a series of forums with the purpose of disseminating to whites, mainly, the positions of extra-parliamentary political organizations. In March 1990, IDASA organized an event called "Actors on the Extra-Parliamentary Stage", which was addressed by representatives of the Pan-Africanist Movement (PAM or PAC internal at that time), the UDF, AZAPO and other organizations. At Lusaka, in May 1990, IDASA and ANC hosted a conference on "The Future of Security and Defence in South Africa", the objectives of which were, among others, to explore a way to de-escalate the conflict and to begin a discussion on the shape and role of a future defence force. Participants included an ANC/Umkhonto we Sizwe delegation, Citizen Force officers, homeland colonels, military strategists and academics, retired senior SADF officers, conscripts, End Conscription Campaign (ECC) activists and religious leaders. 39/ In October 1990, IDASA organized a forum entitled "Women Facing the Future Together" at which 125 women focused their discussion on conscription.

93. At Johannesburg, in May 1990, a conference was hosted by the Consultative Business Movement (CBM), which was attended by 350 delegates, including business leaders and senior leaders of ANC. The objective of the conference was to discuss approaches to the economy in order to identify common ground and obstacles in the debate. Among the issues discussed were the role of business in political change, economic policy for a future South Africa, nationalization and privatization, sanctions, the Natal violence, the return of exiles and the role of trade unions. 40/ The CBM has already begun preliminary contacts with PAC and AZAPO, as well as with other organizations.

94. The internal and external leadership of PAC held intensive and extensive discussions with the American Chamber of Commerce in South Africa at Harare, from 11 to 12 August 1990. PAC "found the representatives of the American Chamber of Commerce in South Africa enlightened and open-minded. They unanimously recognized the need for fundamental changes in apartheid South Africa." The American Chamber of Commerce in South Africa "has found the Pan Africanist Congress to be advanced in their development and planning of the future economy for South Africa. Common ground was experienced on some matters relating to the economy."

95. In June 1990, South African religious organizations took an important step towards an agreement on the role of organized religion in the current political process. The South African Council of Churches (SACC) and the Dutch Reformed Church (Nederduitse Gereformeerde Kerk/NGK) began a dialogue on the role of organized religion in the process of change and in a future South Africa. Furthermore, at its National Conference in July 1990, SACC resolved that the dismantling of apartheid would be irreversible when (a) a constituent assembly is established; (b) sovereign power is invested either in the assembly or in another interim agreed structure, and (c) the white minority cannot legally reverse or veto the process using the present legislative structures. SACC has expressed its commitment to popularize that definition nationally and internationally.

96. While progress is being made towards negotiations, struggles continue at the mass level, whether against local municipalities, apartheid education or intransigent employers. It is argued that mass mobilization and disciplined protest at present may be strategic in maintaining the pressure to speed the process towards negotiations.

D. Institutional structures of apartheid

97. Notwithstanding positive developments in South Africa and the declared intention of President de Klerk to embark on a policy for the dismantlement of apartheid, the institutional structures of apartheid remain virtually intact. In that connection, the report of the Secretary-General noted that there is a consensus in South Africa that, until the pillars [laws] of apartheid are removed, racial discrimination will continue to divide the nation. The dispossession and oppression created by this legal system is a stark reality today and its consequences will linger long after apartheid is dismantled. Of the pillars of apartheid only one has been repealed, as discussed below.

98. The Population Registration Act, No. 30 of 1950 prescribes the registration at birth of all citizens as either white, Asian, black or Coloured, although the last three consider themselves blacks. Thus defining all South Africans by race, the Population Registration Act is the cornerstone of apartheid's institutional structure.

99. The Native Lands Act of 1913 and the Development Trust and Land Act of 1936, as well as their subsequent amendments, establish the principle of territorial segregation, in terms of which blacks and whites acquired and occupied land in separate, designated areas. The areas reserved for blacks covered no more than 13.6 per cent of the country. These acts are the legal foundation on which grand apartheid rests, namely, the division of South Africa into 10 ethnically divided "homelands" or bantustans. No black person was to be a resident of "white" South Africa, but was both to live and exercise political rights in the bantustans.

100. The Group Areas Act, No. 41 of 1950, consolidated by Act. No. 36 of 1966, empowered the régime to declare areas for use, whether for housing, education, or industrial development, strictly according to race. Heavy penalties are provided for violations. Legislation introduced in 1989 gave authorities new powers to enforce residential segregation without interference from the courts. In the recent period, the urban housing crisis, in addition to defiance of the law, have made the provisions of the Act unworkable. The Act has not been enforced systematically as the authorities have been compelled to tolerate black residents moving into "white areas".

101. The Reservation of Separate Amenities Act, No. 49 of 1953, provided that any person who was in charge of or had control of any public premises (such as parks or beaches) or public vehicles could reserve such premises or vehicles for the exclusive use of persons belonging to a particular race. As in the case of the Group Areas Act, this Act had become untenable in practice. Such cities as Johannesburg and Cape Town had passed ordinances providing for the racial integration of certain facilities. The Discriminatory Legislation Regarding Public Amenities Repeal Act, which ended racial segregation in public facilities, came into effect on 15 October 1990. Resistance to racial integration, however, has developed in several areas of the country, where municipalities controlled by the Conservative Party are refusing to implement the new Act. Arguing that the implementation of the Act will lead to "overcrowding", municipalities are using their discretion to allow the use of public facilities for residents only. In this context, the provisions of the Group Areas Act will by definition allow segregation to continue (see para. 35 above).

102. While the above laws constitute the statutory basis upon which apartheid was erected, the Republic of South Africa Constitution Act, No. 110 of 1983, which established a racially segregated tri-cameral Parliament for whites, Coloureds and Asians, specifically excludes the black population from the vote for central government. This exclusion is reinforced by the provisions of the Homeland Citizenship Act, which was introduced in 1970. The Act created "independent" bantustans although their status is recognized only by South Africa. Four of them were declared "independent", namely Transkei, Bophuthatswana, Venda and Ciskei. As a consequence, millions of black South Africans were declared citizens of these bantustans and became foreigners in the land of their birth. The remaining six bantustans are so-called "self-governing" territories.

103. Racial segregation in terms of the apartheid laws mentioned above has created a degree of inequality, the redress of which will become a daunting task for any future government of South Africa. In the study, Uprooting Poverty: The South African Challenge, the authors contend that the structural poverty of South Africa is a profoundly political issue that can be accounted for in terms of several factors, including the wide degree of inequality between rich and poor and the extent to which the poverty that exists is the result of deliberate apartheid policy. In this sense, the structural violence of the apartheid system is as harsh an assault on the black majority as any physical confrontation. 41/ On 16 March 1990, authorities announced the establishment of a R 3 billion Special Trust Fund to reduce a variety of "backlogs" in housing, education, training, literacy and basic health. However, according to a recent estimate, virtually the entire fund would be needed every year to the year 2010 in order to address housing backlogs just in African urban areas.

104. The inequalities caused by these segregationist policies are seen in their most stark terms in five major areas, namely, land, housing, education, health and unemployment and labour conditions. Stressing the consequences of these inequalities, the Secretary-General observed in his report that effective measures would be needed to redress the social and economic imbalances in these areas. 42/

1. Land

105. The strict enforcement of the Land Acts ranks high among the factors that have led to the acute land crisis facing blacks in South Africa today. Since 1950 an estimated 4 million blacks have been forcibly removed into ethnically divided units or bantustans. Over 3 million are still threatened with removals and evictions. The bantustans are not self-sufficient entities but they are rather wholly dependent on South Africa financially, economically and militarily. For instance, under the 1988/1989 budget the Pretoria régime supplied the KwaZulu bantustan with R 1,463 million representing 74 per cent of the bantustan revenue. 43/

106. The extreme level of poverty, unemployment and disease in the bantustans is further exacerbated by the fact that their scarce resources are often used as instruments of power and loyalty by ruling groups supported by the authorities. Coercion and repression are the order of the day in most bantustans and resentment is deep among the people who are forced to become aliens in the land of their birth.

107. In the past year a series of events have taken place in the bantustans, which herald the demise of the policy of grand apartheid. Popular mass action has occurred in every bantustan in recent months, in particular in the "independent"

bantustans. In the Ciskei there has been for several years a strong resistance to the repression conducted by the régime of the bantustan. In 1989, struggles against the forced incorporation of areas into the Ciskei led to demolition of homes and the flight of the residents seeking refuge in churches in King Williams Town. Eight communities destined for incorporation organized in 1989 the "Stop Incorporation Campaign", drawing a national petition of 42,000 signatures of residents to lobby against incorporation and the bantustan system. Towards the end of 1989 there were several consumer boycotts organized by small rural communities. Heavy repression ensued involving the police and the army. On 4 March 1990, Brigadier Oupa Ggozo toppled the bantustan régime and subsequently expressed his readiness to discuss reincorporation of the Ciskei into South Africa.

108. In Bophuthatswana, a protest march of more than 80,000 persons demanding the resignation of "homeland" leader Lucas Mangope was met with tear-gas and shooting. Earlier, similar protests took place in other areas resulting in some deaths. Stayaways and consumer boycotts were called to protest the repression.

109. In addition, numerous other communities were successful in fighting their incorporation into Bophuthatswana and Ciskei. There were also rallies, demonstrations and boycotts to fight against the forced removal of specific communities.

110. A certain change in Pretoria's outlook on the future of the bantustan system was expressed on 15 May 1990 by the Minister of Education. He declared that the overriding aim of the authorities now was the participation of all South Africans in the political process and that the future of the so-called "self-governing" states was a matter for negotiation.

111. The Minister of Constitutional Development stated in June 1990 that the Land Acts would be repealed early in January 1991. Outlining the constitutional implications of the Land Acts, particularly at the local government level, President de Klerk stated that "any reforms with regard to the usage of the land will have to take into account the principles of free enterprise, security, tenure and vested property rights". The abolition of the Land Acts will have immediate and immense effect in the rural areas. Observers warn that if the process of repeal does not involve the communities concerned, the abolition may lead to dispossession on a far worse scale than that caused by the policy of forced removal. At present the issue is being negotiated solely between the authorities and the bantustan leaders. 44/

112. Overall, these positive developments in 1989 and the first months of 1990 indicate that the bantustan policy may be abandoned and that a common citizenship in a united South Africa may become a reality in the foreseeable future. It is important to note that continuing popular mass action in the bantustans is the result of long-standing struggles at the local level which, while differing from village to village, have formed the backbone of mass action. In this context, the response to immediate grievances, notably high rents and service charges, low wages, unhealthy working conditions, is giving rise to strong rural organizations. The degree of political organization in the bantustans could become critical to the development of a future land policy for South Africa.

2. Housing

113. The implementation of the Group Areas Act, by entrenching racial segregation into law and transforming the structure of South African cities, has led to land use mismatches that have imposed further constraints upon the already insufficient allocations of land for blacks. The segregated structuring of residential opportunities has, in addition, resulted in unnecessary long and expensive commuting patterns between home and work. Pretoria's policy of establishing local authorities in black townships has proven to be politically and financially unworkable not only because these bodies are highly unpopular, but also because they have no tax levying powers and receive lower subsidies than the white towns. The limited capacity of the local authorities to invest in infrastructure projects has resulted in a serious deterioration in services. The black local authorities have been generally associated with high rentals, poor living conditions, acute housing shortages and corruption. The main demands of organizers of rent boycotts are improved facilities, the transfer of ownership to those who have paid rent for decades, and the abolition of separate black local authorities.

114. The provision of housing in the black townships was deliberately slowed for several decades, as it was considered that blacks were "temporary sojourners" in cities, to be accommodated in segregated townships that would wither away as blacks were drawn back to their bantustans. The lack of low-cost housing and of proper financing opportunities for low-income families further restrained the accessibility of housing.

115. This combination of segregationist legislation and socio-economic imbalances has led to an explosive situation characterized by a major discrepancy between the fast-growing needs for adequate housing and the scarcity of available houses or building plots. The acute shortage of housing in urban areas has led to the overcrowding of existing facilities and to the rapid expansion of squatters' settlements. According to the Ministry of Planning and Provincial Affairs, there are 900,000 squatters in South Africa today, while the National Land Committee, an umbrella organization previously known as the National Committee against Removals, estimates their number at more than 2 million people. 45/ The 1990 housing backlog in the urban areas alone is of 850,000 units. Although 130,000 units need to be built annually to meet the demand, only 40,000 units were built last year. 46/ It is estimated that about 7 million persons live in "informal housing" or shacks. 47/

116. The authorities' response to the rapid increase in the number of squatters was the adoption in 1988 of the Prevention of Illegal Squatting Act. Because of the repressive features of the Act, the South African Institute of Race Relations said that it [the Act] "could promote conflict and so pose a greater threat to urban stability than squatting itself supposedly does". 48/ The enforcement of this Act has resulted in violence, including deaths, as was the case in Dobsonville and Thokoza, where residents resisted the demolition of their shacks by bulldozers.

117. The inadequacy of the services available to black residents of urban as well as of rural areas is illustrated by the following official statistics: 95 per cent of African households in the Orange Free State, 93 per cent in Natal, 87 per cent in the Cape and 79 per cent in the Transvaal lack electricity. Only about one

third of the houses in Soweto and the neighbouring township of Diepmeadow have access to running water within the house, and only 20 per cent of the population of the Transkei have access to a safe water supply. 49/ In this context, rent boycotts, involving the refusal of residents to pay sharp increases in rent and service charges continued in many townships throughout the country during 1989 and 1990. The outstanding arrears due to black local authorities by December 1989 in the four provinces amounted to R 763 million. 50/ Residents who have lived in these areas for years argue that they have paid for the houses many times over and that ownership should be transferred to them. In October 1990, municipalities run by the Conservative Party began to withdraw such services as water and electricity from individual houses to force the payment of bills. Their move appeared to be intended to elicit conflict in the townships to undermine the present process towards negotiations.

118. Relatively well-organized civic associations have emerged in some townships, which are demanding the establishment of single administrations with a unified tax base. In Soweto, long standing negotiations between the Soweto People's Delegation (SPD) and the authorities led to an accord in September 1990 to write off the rent arrears in exchange for an end to the boycott. Consideration is being given to a proposal that would provide for the merger of Johannesburg and Soweto under one administration with a single tax base. The significance of these negotiations at the local level lies in the opportunity they afford for organizing community structures in support of popular demands. In turn, the ability of these associations to influence decisions at the local level may strengthen the process of national negotiations.

3. Education

119. Recent strikes, "chalk downs" and protest marches by teachers served to highlight the continuing education crisis in South Africa. This crisis is illustrated by the discrepancy between the education provided to white children and black children. As a number of Education Acts separate completely black and white pupils and establish different curricula according to race, the South African educational system remains intrinsically inequitable. The régime spends on average R 3,082 on the education of every white child and R 764.73 on every black child. 51/ In fact, education is not compulsory in South Africa for blacks, but it is for whites, Coloureds and Asians through the age of 16. Besides, there are currently 17 education departments, which duplicate structures and drain resources, thereby limiting further the funds allocated to black education. Furthermore, conditions in black schools are appalling. It is reported that a total of 24 white State primary schools with a capacity of 4,104 pupils were closed in 1989. Over the same period, there was a shortage of 159,849 classrooms in black primary and secondary schools (this figure excludes the bantustans). 51/ While declining enrolments threaten to affect the viability of many of the inner cities' schools for white children, overcrowding has worsened in black schools. In many cases, schools for white children that have been closed have been let to companies.

120. Owing to the shortfall in classroom accommodation, most schools for black children operate on a platoon system, whereby pupils attend classes either in the morning or in the afternoon. The lack of qualified teachers also contributes to poor education standards in schools for black children. According to the National Education Crisis Committee (NECC), 40 per cent of white teachers have a university degree, while most black teachers have only earned a two-year teacher's training

certificate. There is a shortage of at least 7,000 teachers in schools for black children. 52/ The teacher/pupil ratio in schools for black children is of one teacher for 39 pupils in primary schools and of one teacher for 33 pupils in secondary schools. 53/ Besides, few textbooks are available to black students, who are not allowed to take the books home. As a result of the deterioration in the quality of the education provided to black children, in 1989 only 41 per cent of blacks who took the matriculation examination at the end of highschool passed as compared to a pass rate of 96 per cent among white students. 54/

121. The NECC estimates that only three out of every 1,000 blacks hold a university degree, while the comparable figure for whites is 35 per 1,000. Of even greater concern is the fact that according to various studies, such as one conducted by the Programme for Technical Careers (PROTEC), there are about 5 million children eligible for school, who do not attend school either because of a lack of funds or a lack of facilities. 54/

122. Education figures for blacks are often given as those applying to the Department of Education and Training (DET), omitting pupils in the 10 bantustans. Of the 6.6 million black pupils at school in 1988, only 29 per cent were at schools run by DET, while 71 per cent were in schools run by the education departments of the bantustans. 54/ The poor conditions in DET schools are overshadowed by those in the bantustan schools.

123. The Minister of Education and Culture announced in March 1990 that the principle of segregated State education would be abandoned, and that schools would no longer be run along racial lines. He proposed two models by which parents of children in all-white State-schools may admit students of other races for the school year beginning in January 1991. Under one model, white State-schools which wanted integration could register as private schools. Such schools would then receive a higher subsidy than the one they receive at present, but less than what they received as State-schools. Under the second model, parents could ask the DET to approve the admission of black or Coloured students to state-run schools, but preference would be given to children living "in the natural feeder area" of the school. Admission would be limited to those students who would be "in a position to benefit from the instruction offered". In both cases, the decision would have to be taken "on the basis of an unequivocal majority vote" by the parents of the white children attending these schools.

124. Few children of other races live within the "natural feeder area" of white schools, as a result of the implementation of the Group Areas Act. Furthermore, increased operating costs in schools that would have chosen to become private would imply tuition fees too high for most black families. The impact of the changes advocated by the régime would, therefore, be limited. The authorities appear not to have made a clear commitment to a unitary, non-racial education system yet, as shown by various statements from the Minister of Education and Culture, assuring white South Africans that there would be no forced integration and that the opening of white schools would be merely optional.

125. Similarly, in spite of the recent allocation of a special fund of R 800 million to DET for such purposes as countering the backlog in the supply of textbooks, the 1990/1991 budget is still marked by a glaring disparity in the distribution of resources for the education of whites and blacks. Of the total R 13.4 billion allocated for education during this biennium, R 5.5 billion will be earmarked for white education, while R 4.9 billion will be spent on black education and R 2 billion on education for Coloureds.

126. The national liberation movements, as well as the NECC, the National Education Union of South Africa (NEUSA) and other teaching bodies, consider that the only answer to the education crisis is a unitary and non-racial education system catering for all. They believe that needs will be assessed and resources allocated on the basis of fairness and equality only once a single department of education decides on priorities.

4. Health

127. The inequalities in the health sector are illustrated by basic demographic indicators such as the infant mortality rate. According to the Pietermaritzburg Agency for Christian Social Awareness (PACSA), between 94 and 124 black children out of 1,000 die before reaching the age of 12 months, while for white children this ratio is only of nine deaths per 1,000 live births. The life expectancy of black South Africans is only of 62 years while it is of 72 years for white South Africans. 55/ These figures reflect a health policy based on racial segregation according to which, the resources allocated and the services available to black patients are inferior to those available to white patients. The South African Health Workers Congress (SAHWCO) estimates that authorities spend R 451 yearly on health care for white patients and only R 115 on black patients. 56/ Disproportionate emphasis has been placed on sophisticated medical care and "prestige" units. In recent years, 43 per cent of the health budget was allocated to 13 academic teaching hospitals and to specialized high-technology procedures. 57/ Medical education has focused on providing a highly technological oriented training to doctors, and there is now a lack of general practitioners. Priority was also given to urban areas, and rural areas (in particular the bantustans) were thus neglected. According to PACSA, the average number of doctors per 10,000 inhabitants in South Africa (excluding the bantustans) is 7.2, but this ratio is of 1.2 in the bantustans. Furthermore, the fragmentation of medical authorities into 14 health departments represents a heavy additional financial burden on the health sector.

128. As a result of this racially oriented policy and of the poverty and overcrowded living conditions prevailing in black areas, infectious diseases, which could be prevented through immunization or easily treated if diagnosed early, are still deadly among the black community. It is estimated that 61 per cent of deaths among black children are the result of malnutrition and premature births, and of related infections, especially gastro-enteritis. 58/ Similarly, while measles seems to be less prevalent among whites, Coloureds and Asians, its incidence among blacks was high and probably increasing. According to the South African National Tuberculosis Association (SANTA), an estimated 12 million people in South Africa had dormant tuberculosis in 1989, and 15 per cent of them would contract a full-blown form of the disease. Alarming reports also forecast that by the year 2000, millions of South Africans will be infected with the AIDS virus. 59/ At the same time, the shortage of doctors and nurses in public institutions has become more acute, thus worsening the strenuous working conditions of the current staff. Official figures released in 1989 revealed that 20 per cent of nursing posts in South Africa were vacant and that 80 per cent of nurses left the public sector within three years of completing their training. 60/ Many South African-trained doctors also leave public hospitals to emigrate to such countries as Canada or New Zealand.

129. In 1989, these policies became the target of the Defiance Campaign as large numbers of black patients peacefully demanded admission to hospitals reserved for whites. Partly as a response to this campaign, the Minister of Health and Population Development announced in May 1990 that all provincial public hospitals would be opened to all races. Stating that if a normal ratio of three beds per 1,000 inhabitants applied, there was now an excess capacity of 11,700 hospital beds for whites and a shortage of 7,000 beds for blacks, the Minister declared that the authorities would make all available beds in all public hospitals accessible to all people, and that a model would be designed to manage this change in an "orderly fashion". Authorities also announced a shift in the priorities of their health policy, as greater attention was to be devoted to primary health care. The Ministry would allocate additional funds and resources to commission the establishment of some 20 primary health clinics that would concentrate on health education, immunization, maternal and child care and sanitation. The Minister also requested a moratorium on the construction of 12 new hospitals for whites. Finally, nurses would receive a special allowance.

130. The national liberation movements as well as the specialized support groups such as the National Medical and Dental Association (NAMDA) and SAHWCO welcomed the official decision, although they warned that the new policy could be undermined by the current efforts of the régime to privatize health care, as well as the entrenched racist attitudes at the local level. Furthermore, the provisions of the Group Areas Act would tend to neutralize the impact of this new policy, as most black patients would not be able to undertake long and costly journeys to hospitals located in white areas. This policy will have only a limited impact on whites, since 85 per cent of them are covered by medical schemes which allow them to use private clinics and hospitals.

5. Unemployment and labour conditions

131. The enforcement of apartheid laws, in particular of those regulating labour relations, has had a distorting effect on the labour market, and has created major disequilibria. Although estimates of the number of unemployed differ considerably, the International Labour Office (ILO) said in 1990 "that reliable analysts agree on a figure of no less than 4.5 million unemployed, nearly all black". 61/ In some urban areas unemployment for blacks is over 30 per cent, this figure being higher in rural areas. Only 8 per cent of those officially accounted for draw unemployment benefits.

132. It is estimated that an annual growth of the gross domestic product (GDP) of at least 5 per cent would be required to absorb the new entrants on the labour market. Without the informal sector - which absorbs some 150,000 of the 350,000 new entrants on the labour market - "unemployment trends would have been catastrophic". 61/ The size of the informal sector has been a source of dispute and speculation for several years. In March 1990, the Central Statistical Service published a study according to which 2.6 million blacks worked in the informal sector. Nearly two thirds of these were full-time workers. These workers are not covered by any social protection plan and their income is low: of those who are self-employed in the informal sector (86 per cent of the total), nearly half earn less than R 250 a month.

133. For a majority of employed black South Africans, working conditions are inadequate. Farm workers, in particular, are subject to low wages and little protection. Authorities recently requested the National Manpower Commission to study outstanding issues, such as the provision in labour legislation for the protection of farmworkers, and announced that a bill providing for minimum conditions of employment for farmworkers is under consideration. Another major issue in the field of working conditions is the level of safety in the mining industry. Since 1983, South African gold and coal mines have claimed the lives of 4,594 miners. Most of the deaths and injuries have occurred on gold mines where, for every ton of gold mined, a miner is killed. According to the NUM, 238 lives were lost on mines and 3,929 miners were injured during the first six months of 1990. 62/ NUM strongly criticized a proposed new Minerals Bill which would shift the responsibility for monitoring mine safety from the Government Mining Engineer to the management of each mine.

134. The National Manpower Commission considers that South Africa would not be able to realize its development potential if it persisted in trying to satisfy its high-level manpower needs mainly from the white population. It is estimated that by the year 2,000, about 77 per cent of the economically active population would be black and only 11 per cent would be white. 63/ Notwithstanding the "brain-drain", the skilled and higher levels of the workforce are still occupied mainly by whites. Whereas 80 per cent of the economically active population is black, whites occupy about 95 per cent of managerial jobs. 61/ Although the "colour bar" or job reservation for whites has theoretically disappeared from most industries, the reluctance of management to recruit or promote skilled blacks has maintained a de facto colour bar.

135. During the period under review, attempts by the authorities and the employers to enforce a repressive and racist labour code provoked intense industrial strife. The Labour Relations Act, as amended in September 1988, remained a cause of militant confrontation between workers and employers throughout 1989 and 1990. The two largest trade union federations in the country, namely, COSATU and the National Council of Trade Unions (NACTU), point out that the provisions of the Labour Relations Act curtail freedom of association, entrench racial unionism and limit further the freedom to withhold labour, all of which contravene international labour standards recognized by ILO.

136. After a long process of negotiations, COSATU, NACTU and the South African Employers' Consultative Committee on Labour Affairs (SACCOLA) reached an agreement in May 1990 recognizing that all workers were entitled to basic rights, including collective bargaining, the freedom of association and the right to withhold labour, and suggesting specific amendments to the Labour Relations Act. The agreement is significant because it marks the first time that workers and employers have jointly proposed labour legislation. Nevertheless, in spite of the recommendation from the National Manpower Commission that a majority of the proposals included in the accord be accepted, authorities refused to enact the accord during the 1990 parliamentary session, citing disagreements by white unions and some enterprises, namely parastatals. The trade union federations then warned that Pretoria's failure to legislate these amendments had the potential to exacerbate industrial conflict on an unprecedented scale. Following a meeting between COSATU, SACCOLA and President de Klerk on 26 June 1990, a joint working party was established to examine ways of resolving the crisis. An agreement between COSATU, NACTU, SACCOLA and the Ministry of Manpower was reached on 20 September 1990, clearing the way for several 1988 amendments to be removed from the statute books and setting in motion

a process of extending basic trade union rights to all workers, including public sector, agricultural and domestic workers. In a press release, COSATU warned, however, that any tampering with the proposed legislative changes would be a setback to the process. It further stated that "South Africa's labour laws still fall short of international standards and rapid steps need to be taken to ensure that all workers have full rights to collective bargaining and to strike". 64/

137. Trade union membership continued to grow and is estimated to be in the region of 2.5 million members. 65/ During the first six months of 1990, about 1.2 million workdays were lost through strikes, three times as many as in 1989 (463,864), and five times as many as in 1988 (229,614). More than half of the strikes were for higher wages followed by strikes over grievances and dismissals. These figures reflect the heightened expectations of the workforce set against the backdrop of recent political developments and a stagnant economy. There was also upsurge in other forms of protest such as sit-ins, overtime bans, work stoppages and demonstrations on the shopfloor. Major strikes which took place in the public (municipalities and hospitals), transport, mining, retail, catering and food sectors drew a great deal of police intervention, intimidation and high levels of violence.

138. In July 1990, about 3 million workers heeded the call for a national stayaway by COSATU, UDF and ANC to protest the Natal violence and to demand that Pretoria undertake a series of measures to bring the violence to an end. According to the South African Chamber of Business, the stayaway caused the economy an estimated R 750 million in loss production. Meanwhile, NUM's campaign for justice, peace and democracy reached momentum as black miners defied racial discrimination and repression in the mines. Sit-ins took place on the ground, which called for, among other things, an end to the migrant labour system and for the recognition of workers' rights to engage freely in union activities at the mines.

139. COSATU intensified its Anti-Privatization Campaign, the Campaign for a National Minimum Wage and the Campaign For a Worker's Charter. The context of these campaigns is an ongoing discussion within the federation about an economic policy for a post-apartheid South Africa. NACTU, for its part, continued also its fight against privatization while, at the same time, emphasizing the need for action to confront such issues as homelessness, unemployment, poor working conditions and racist education. At the last meeting of NACTU affiliates, a motion was adopted regarding negotiations. It was resolved that "one person one vote in a unitary non-racial country and the redistribution of resources, particularly the land, should be the preconditions in which a negotiated settlement can be discussed." 66/

140. The trade union movement in South Africa has come of age in the recent period and has become one of the architects of South Africa's future. Its stature, credibility and importance is growing and serves to enhance the crucial role that industrial relations will play in a post-apartheid society.

E. Economic situation

1. Overview

141. The economic situation of South Africa continued to be precarious during the period under review. As new capital inflows in the form of bank loans and foreign

investment have virtually stopped, largely as a consequence of sanctions and the unfavourable climate for business in the country, South Africa has become a capital exporting nation. The country needs to maintain large trade surpluses in order to service its foreign debt. In 1989 the balance of payments improved, owing to a considerable increase in exports and a virtual unchanged rate of imports. At the same time, as the rate of growth declined and inflation remained at high levels, the economy appeared to be heading into recession.

142. The South African authorities have made a shift in economic policy away from maintaining a high rate of economic growth and towards ensuring the repayment of debt obligations through the implementation of deflationary measures. The economic strategy currently pursued consists of (a) short-term stabilization policies and (b) long-term structural adjustment policies. The former include high interest rates to encourage savings and reduce consumption; a stable monetary policy with the objective of lowering inflation and a reduction of the budget deficit to 3 per cent of GDP. Structural adjustment policies include an ambitious programme of privatization, the deregulation of the financial system, a new General Export Incentive Scheme, and reform of the tariff structure. The aim of this strategy is to achieve an export-led growth coupled with "inward industrialization", promoting labour intensive activities with a low import content. Thus far, the results have been mixed. Although progress was made in controlling it, inflation remained high. Notwithstanding improvements in the balance of payments, specifically in foreign reserves, the recessionary effects of the new policies negatively affected the existing unemployment problem.

143. Pretoria's policy regarding the role of the State in the economy and its privatization efforts became a matter of political controversy. The State-controlled Iron and Steel Corporation (ISCOR), was sold in November 1989, the next target of privatization is the phosphate producer, Phosphate Corporation (Foskor). Furthermore, the Post Office, Transmit (public transport), Eskom (the Electricity Supply Commission), and State-run hospitals are all either strong candidates for or already in various stages of privatization. The trade union federations, namely COSATU and NACTU, strongly oppose these measures and try to ensure that transfer from public to private hands does not result in the worsening of the conditions of employment for their members or in the weakening of their power, vis-à-vis the new employers. ANC, PAC and the federations not only have little faith in the benign "invisible hand" of the deregulated market economy, but also see the current policy as an effort to limit the capacity of a future non-racial government to bring about the restructuring of the South African economy and any redistribution of income.

144. Without a major improvement in business confidence and a reversal in the present capital outflow, short term prospects for the economy remain uncertain and should keep the pressure on the régime for fundamental political change. The following sections analyse in more detail recent economic developments in South Africa.

2. Economic performance

145. The performance of the South African economy in 1989 reflected the effects of the authorities' progressive tightening of monetary policy and the restrictive fiscal policy.

146. Economic growth, as measured by changes in real GDP, declined to 2.1 per cent in 1989 from the previous year's peak of 3.7 per cent (see table 1). In the fourth quarter of 1989 total output recorded a contraction of 1.5 per cent, the first reduction since the first quarter of 1986. A further estimated decline of the same size in the first quarter of 1990 signals that the economy has entered a modest recession, and a growth of GDP of approximately 0.2 per cent is forecast for the entire year of 1990.

Table 1. South Africa: main economic indicators, 1987-1989

(Percentage of annual change at constant 1985 prices)

				1989 (Quarterly)			
	1987	1988	1989	1	2	3	4
Gross domestic product	2.1	3.7	2.1	2.1	1.3	1.1	-1.5
Gross domestic expenditure	4.1	7.6	-0.8	6.1	-1.3	-7.5	-7.2
Private consumption	3.7	4.9	2.9	1.9	1.3	0.2	0.6
Government consumption	3.9	1.6	4.6	42.0	-6.3	-7.9	-5.3
Gross fixed investment	-2.4	8.6	4.0	5.6	4.6	0.6	-3.2
Exports	-2.6	5.7	9.5	-14.5	52.3	-12.7	-0.8
Imports	3.9	22.5	0.1	-5.6	51.1	-38.4	-20.7
Current account balance	-14.5	-52.2	39.4	-	12.7	26.4	0.8
Consumer prices	16.1	12.9	14.7	13.6	15.0	15.1	15.1
Interest rates (prime lending)	12.5	15.3	19.8	18.7	19.7	20.0	21.0
Effective exchange rate a/	3.1	-13.2	-3.8	-4.0	-5.1	2.1	3.3
$US Rand exchange rate	13.7	-19.0	-6.7	-7.1	-8.0	3.5	5.5

Source: South African Reserve Bank, Quarterly Bulletin, March 1990.

a/ Weighted average exchange rate against most important currencies.

147. Sectoral output showed pronounced divergences. The output in agriculture increased by 10 per cent over 1988 and became the only sector that registered growth. Significant declines were shown in the manufacturing output and in commerce, while moderate declines were observed in transport, finance and government. The mining sector remained substantially unchanged, as a result of an increase in real output of the sub-sector "other mining" counterbalanced by a decline in gold mining.

148. Gross domestic expenditure rose strongly (6 per cent) in the first quarter of 1989, but declined in the following quarters, reflecting the régime's restrictive policies. All major components of domestic expenditure recorded a declining trend during the year. Private consumption increased by 2.9 per cent compared to

4.9 per cent in 1988. The downturn was led by the fall in durable goods spending, after the previous year's boom.

149. The budget for the fiscal year 1990/1991 is intended to improve the performance of the economy through a fiscal stimulus on the supply side. The deficit before borrowing is planned to rise from the previous year's low level of R 3.8 billion to just under R 8 billion, or 2.8 per cent of estimated GDP. The budget aims at stimulating the private sector's capacity to create wealth through tax cuts of R 4 billion and through lifting the capital gains tax on shares held for longer than 10 years. It is estimated that this measure could result in increases of new investment of the order of R 8 billion to R 18 billion. The budget represents a certain shift in Pretoria's priorities away from spending on the security forces and towards addressing some economic imbalances created by apartheid. Although defence expenditures decreased in real terms (total expenditure increased by R 133.5 million), there were increases in the sums allocated to personnel and equipment.

150. The authorities also announced the creation of a R 1 billion Special Trust Fund to address "economic backlogs", in particular concerning housing and education for blacks. This fund would come out of a one-off surplus of R 6 billion in revenue after borrowing. In this respect, authorities have stated that they have no intention of continuing to finance the fund in future years. Overall, the budget, despite improvements over previous budgets, tends to widen the income inequalities between whites and blacks.

151. The weakening trend in fixed investment, particularly towards the end of 1989, underlined the prevailing climate of low business confidence. In view of the uncertain political situation, business seems to be less interested in investing its capital on new factories and new machinery and more in exporting its capital overseas.

152. The overall trend of fixed investment was the result of a decreased investment in agriculture, mining and commerce, which took place in view of less than buoyant crop expectations in the farming sector, a shrinking of corporate profits, high interest rates, and a softening trend in international commodity markets as well as in domestic demand. The ratio of domestic saving to GDP reached a low point (21.6 per cent) in the second quarter but recovered in the following quarters.

153. Inflation, as measured by the consumer price index, reached 14.7 per cent in 1989 compared to 12.9 per cent in 1988, in spite of the mild contraction in domestic demand and the gradual deceleration in the rate of growth of the money supply (see table 1). It is generally considered that the official inflation index underestimates the real rate of price increases. It was common knowledge that South Africans were experiencing a high level of inflation, a lower purchasing power of the rand and consequently a reduction in living standards. Yet, the Minister of Finance called on employers to keep wage increases down; according to him, the 1989 wage increase of 18 per cent was inflationary since it was not supported by gains in productivity.

154. The exchange rate of the rand against other major currencies declined by 3.8 per cent during 1989 and weakened by a further 1.1 per cent in the first two months of 1990. Against the United States dollar the rand depreciated steadily during the first three quarters of 1989, mainly because of the renewed strength of the dollar, losing overall 6.7 percentage points and remaining substantially stable at the beginning of 1990.

155. It is generally estimated that a real economic growth rate of 5 per cent a year is needed to absorb new entrants to the labour market, let alone reduce existing unemployment. As against this requirement, the GDP registered a mere 2.1 per cent growth in 1989. The 1990/1991 budget projected a growth rate of just 1 per cent and the budgetary measures are an attempt to "soften" the impact of the down-turn on business.

III. EXTERNAL RELATIONS OF SOUTH AFRICA

A. Economic relations

156. South Africa's economic performance is closely tied to the economic relations that it maintains with other countries. Its economy is vulnerable not only to a slowdown of the world economy and to changes in commodity prices, but also to externally imposed trade, investment and financial pressures.

157. South Africa's balance of payments improved significantly in 1989. The current account surplus increased to R 4.1 billion, against R 2.9 billion in 1988. The improvement was due to a combination of a virtual halt to the overall growth of imports, which declined steadily in the second half of the year, and a remarkable performance of exports, especially in the second quarter, assisted to some extent by increases in exports of maize which had experienced a near record harvest. Overall, the volume of merchandise exports, excluding gold, was 17 per cent higher in 1989 than in 1988, comparing favourably with the estimated expansion of the volume of world trade in 1989 of approximately 7 per cent. However, the balance in invisibles deteriorated, reaching a deficit of R 11 billion in 1989. This was mainly due to the strong rise of net service and transfer payments, mostly increased interest payments on external debt deriving from higher foreign interest rates, as well as from a switch by foreign investors from investments in South African shares to interest bearing securities, such as Government bonds. In the capital account of the balance of payments, the net outflow of capital from South Africa, not related to reserves, fell to R 5.6 billion from R 6.5 billion in 1988, as a result of substantially smaller out-flows of short-term capital. Net gold and other foreign reserves shrank by R 1.4 billion, following a decline of R 3.6 billion during the previous year.

158. By the end of 1988, South Africa's total foreign debt stood at just under $US 21.2 billion, two thirds of which were owed to international banks, and the majority of the balance consisting of bonds owed to holders outside the country. Of this debt, $US 9.1 billion was inside the so-called standstill net (moratorium) and covered by the extended Second Interim Agreement. On 18 October 1989, South Africa reached a Third Interim Agreement with major creditor banks, covering $US 8.1 billion.

1. Trade and transport

159. Like other primary commodity producing countries, South Africa is an open economy. In 1989, imports of goods and services accounted for almost 26 per cent of GDP, while exports accounted for 33 per cent.

160. Table 2 shows recent trends in the volume of South African trade. According to the South African Reserve Bank, between 1985 and 1989 the volume of total exports (including gold) increased by 11.3 per cent. If gold is excluded, the 1985 to 1989 rise amounted to 26.2 per cent. In the same period, the volume of imports increased by 24.1 per cent. 67/

161. Those trends would confirm the conclusions drawn in the previous report of the Special Committee, 68/ that, in general, sanctions restricting exports to South Africa are less successful than those restricting imports from that country. The

reason is that competition for export markets is keen and any market share vacated by an exporter is extremely attractive to competitors. At the same time, the enforcement of restrictions on imports from South Africa is likely to be favoured by protectionist lobbies in its trading partners.

162. However, the above trends in trade volume are only partial indicators of the effectiveness of trade sanctions. In fact, a substantial impact of sanctions is on prices: they tend to rise for South African imports and decline for its exports. Naturally, price changes driven by sanctions are extremely difficult to isolate from changes deriving from variations in the inflation rate and in exchange rates.

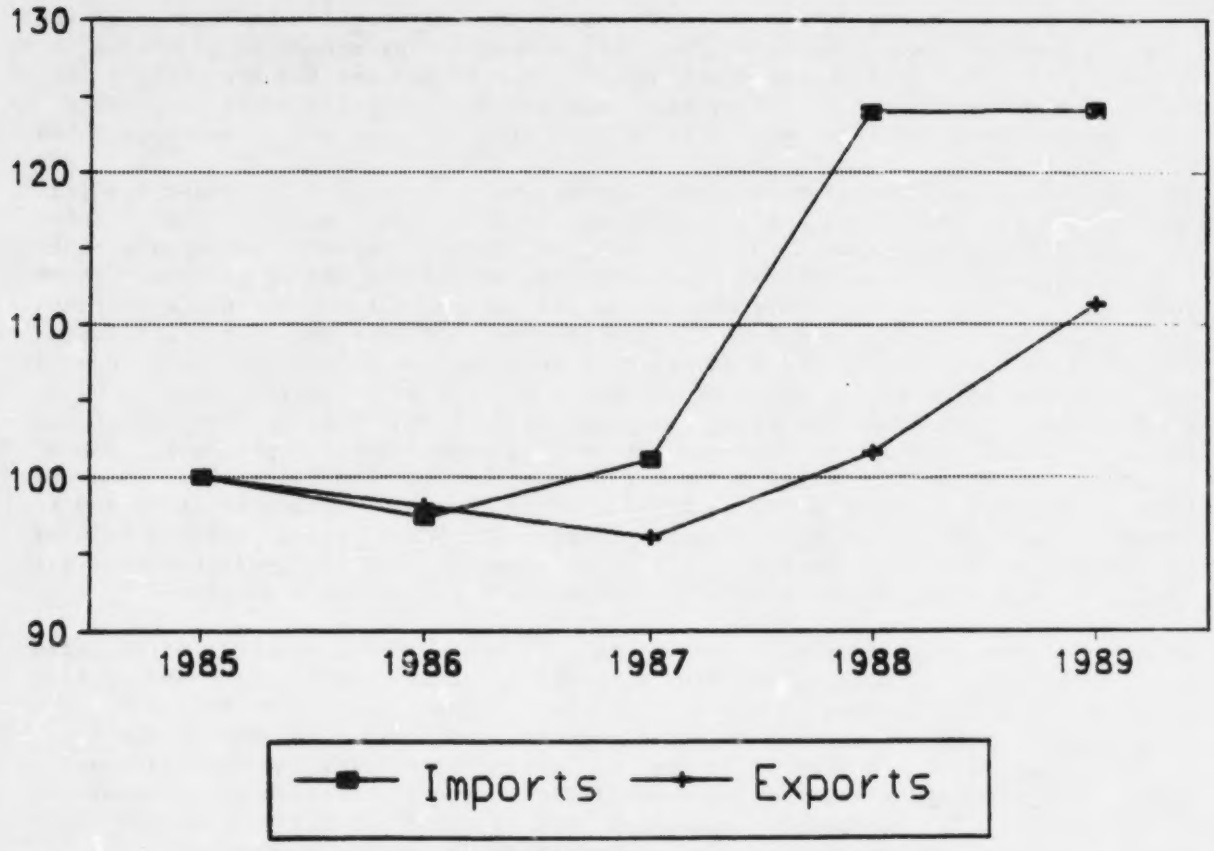
163. Table 3 shows the value of trade between South Africa and its major trading partners in the years 1988 and 1989. Among the five major partners, with a total trade in 1989 of more than $3 billion each, the Federal Republic of Germany ranked first, followed by Japan, Italy, the United States and the United Kingdom. These rankings notwithstanding, Italy emerged as the leading customer of South African goods, with an import growth from the previous year of 27.5 per cent. Italian imports from South Africa are predominantly gold for use in the jewellery industry and represent at least one third of all South African gold exports. 69/ Furthermore, total trade for Italy increased by 24.1 per cent, against reductions for the Federal Republic of Germany, the leading exporter (-2.1 per cent), Japan (-5.0 per cent) and the United Kingdom (-6.4 per cent). The United Kingdom became the fifth trading partner of South Africa, since it was overtaken by Italy and the United States. Among the next largest traders with South Africa, notably Belgium, Luxembourg, Switzerland and Spain, all significantly increased their business with South Africa in 1989, whereas only the Netherlands registered a decline.

164. Apart from the countries shown in table 3, South Africa recently established, or strengthened, trade relations with a number of other nations. In Africa, the value of its total exports to the rest of the continent amounts to at least R 5 billion a year. According to media reports, some countries such as the Côte d'Ivoire and Zaire were being used as "springboards" for the establishment of large depots to handle the flow of South African exports to surrounding countries in that region. 70/ Madagascar announced that is would establish trade and transport links with South Africa after President de Klerk's visit led to an agreement between the two Governments. Under the agreement, co-operation would be explored in areas ranging from agriculture, finance and banking, to travel and tourism. 71/

165. Following a one-day visit to Morocco, President de Klerk announced that Morocco and Pretoria have begun discussions on the establishment of diplomatic as well as trade air links. 72/ It was also reported that the Government of Mauritius had opened an office to promote trade with South Africa.

166. Furthermore, commercial relations of South Africa with Eastern Europe are growing. Hungary recently laid the foundations for closer economic links with Pretoria, which opened an "office of interest" in Budapest. 73/ In October 1990, Romania and South Africa signed a trade agreement. Also, Poland and South Africa agreed to set up "offices of interest" in each other's countries. Poland is expected to purchase 200,000 tons of South African iron ore. The Polish Chamber of Foreign Trade recently signed economic agreements with the Transvaal Province Chamber of Commerce, which include joint economic ventures and other areas of economic co-operation. 74/ Earlier, in 1990, South African trade officials visited the Union of Soviet Socialist Republics. According to Soviet sources, the purpose of the visit was to discuss the consequences of the Chernobyl accident. 75/

Table 2. Indices of volume of South African imports and exports, 1985-1989



Source: Data for this table comes from the South African Reserve Bank, Quarterly Bulletin, March 1990.

Table 3. Trade between South Africa a/ and its major trading partners, 1988 and 1989

(Millions of United States dollars)

	Total trade			Imports from South Africa			Exports to South Africa		
	1988	1989	Per cent change	1988	1989	Per cent change	1988	1989	Per cent change
Germany, Federal Republic of	5 058	4 951	-2.1	1 727	1 693	-2.0	3 331	3 258	-2.2
Japan	4 003	3 802	-5.0	1 956	2 058	5.2	2 047	1 744	-14.8
Italy	2 781	3 452	24.1	2 180	2 779	27.5	601	673	12.0
United States of America	3 227	3 215	-0.3	1 535	1 543	0.5	1 692	1 672	-1.2
United Kingdom of Great Britain and Northern Ireland	3 374	3 159	-6.4	1 456	1 454	-0.1	1 918	1 705	-11.1
Taiwan, Province of China	1 453	b/	-	827	b/	-	626	b/	-
France	1 289	1 317	2.2	708	755	6.6	581	562	-3.3
Belgium-Luxembourg	931	1 117	20.0	368	385	4.6	563	732	30.0
Switzerland	870	1 039	19.4	547	721	31.8	323	318	-1.5
Spain	528	602	14.0	383	476	24.3	145	126	-13.1
Hong Kong	493	502	1.8	373	384	2.9	120	118	-0.2
Netherlands	551	496	-10.0	216	198	-8.3	335	298	-11.0
Canada	248	299	20.6	136	187	37.5	112	112	-
Austria	226	283	25.2	128	179	39.8	98	104	5.9
Israel	243	246	1.8	157	162	3.2	86	84	-0.2
Turkey	177	182	2.8	172	177	2.9	5	5	-
Ireland	69	104	50.7	9	16	77.8	60	88	46.7
New Zealand	41	48	17.1	26	32	23.1	15	16	6.7
Norway	21	33	57.1	20	33	65.0	1	-	-
Denmark	22	9	-59.1	7	-	-	15	9	-40.0

(Source and footnotes on following page)

(Source and footnotes to table 3)

Source: Based on the Monthly Statistics of Foreign Trade of the Organisation for Economic Co-operation and Development, June 1990, except for Hong Kong, Israel and Taiwan, Province of China, for which Direction of Trade Statistics of the International Monetary Fund Yearbook 1990 was used.

a/ Including Namibia.

b/ Not available.

167. The commodity composition of South African exports indicates that gold is still by far the largest source of export earnings, worth $US 8.63 billion in 1988. A substantial drop in gold value would result in a serious decline in foreign exchange earnings, a higher inflation rate and losses in foreign reserves. Base metals ($US 2.95 billion) is the next source of export proceeds, followed by mineral products ($US 2.20 billion), led by coal, which registered exports of approximately 43 million tons in 1988 and a record 47 million tons in 1989; platinum ($US 1.1 billion) and food, drink and tobacco ($US 1.06 billion). 76/ On the imports side, machinery has been and still is the major imported product, for which $US 5.45 billion were spent in 1988. Transport equipment and chemicals come next, with $US 2.47 and $US 1.85 billion respectively. 76/

168. South Africa's estimated imports of oil and petroleum products are 12 to 14 million tons per year, amounting to a total cost of between $US 1.5 and $US 2 billion. In a report released in September 1990, the Amsterdam-based Shipping Research Bureau estimated that from 1979 to 1990, South Africa spent $25 billion over and above its crude oil bill of about $29 billion to overcome the direct and indirect effects of the oil embargo. 77/ The import dependence on oil, down from its peak in the 1970s, is currently estimated at 70 per cent with its oil-from-coal process reportedly supplying nearly 30 per cent of its overall needs. Estimates by the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa show that around 80 per cent of South Africa's imported oil is delivered in crude form on tankers or combination carriers and around 20 per cent in the form of petroleum products. 78/ The Shipping Research Bureau indicates that, apart from Hong Kong, shipping companies based in Greece and the United Kingdom have been oil carriers to South Africa. Since mid-1989 there has been a marked increase in the import of petroleum products, possibly due to fires at the oil-from-coal plants. It is reported that Amsterdam is the major channel for delivery of petroleum products to South Africa. 77/

169. South Africa made inroads into other areas of sanctions. It was reported that the President of the Côte d'Ivoire had said that his Government would re-establish diplomatic relations with South Africa if he won the October presidential elections. Madagascar announced that it was restoring air links with South Africa. The Government of Spain agreed to resume freight flights to South Africa. 79/ The State-owned South African Airways has launched a major advertising campaign in preparation for future direct non-stop flights over Africa to Europe, after flying round the western part of the continent for many years. 80/

170. In spite of the boycott of tourism to South Africa, a record 930,393 persons visited that country in 1989, an increase of more than 15 per cent on 1988. Most visitors came from Europe, particularly from the United Kingdom and the Federal Republic of Germany. The South African Tourism Board has set up a $US 1.75 million print advertising budget for 1990 and has purchased space in a number of international magazines, particularly in the United States, in a new effort to break the tourism boycott. 80/

171. The régime also began efforts to recruit skilled workers from Eastern European countries, offering to cover up to 80 per cent of their travel costs. Enticed by advertisements about increasing economic opportunities, more than 30,000 citizens of those countries sought to immigrate to South Africa in the first three months of 1990. 81/

2. Loans and credits

172. The external debt burden remained a serious constraint in the South African economy and is regarded as a significant factor influencing the political changes initiated by the authorities. The third and latest debt payment agreement, taking effect on 1 July 1990 and running to 31 December 1993, was negotiated in rather favourable terms for South Africa. 82/ The Accord provided financial relief to Pretoria at a time of looming debt crisis for the country. It allowed the authorities to smooth repayment of their foreign debt obligations over a longer period than was previously possible. The overall debt repayment schedule is shown in table 4.

Table 4. South Africa: Estimates of total debt repayments: 1990-1993

($US million)

Type of payment	1990	1991	1992	1993
Principal of frozen debt	240 a/	426	441	513
Principal of other debt	1 400	700	700	600
Total	1 640	1 127	1 141	1 113

Source: United States General Accounting Office, South Africa: Relationship with Western Financial Institutions, GAO/NSIAD-90-189 (Washington, D.C.), June 1990.

a/ Includes final payments due under the Second Interim Agreement, 15 June 1990.

173. As evident from table 4, the Third Interim Agreement reduces the payment for frozen debt in 1990, a year when payments on other debt are the highest. Under this agreement, creditors continue to receive a slightly higher interest rate, namely, up to 1 per cent, compared to the original interest rates of the loans. At the end of this agreement, in December 1993, about $US 6.5 billion will still remain frozen and will need rescheduling.

174. Debt payments have also been eased and delayed by the option to take 10-year exit loans under the Second Interim Agreement. Under the terms of this agreement, no capital is repaid for the first five years, but thereafter it is repaid in full in 10 equal six-monthly instalments. Under the Third Interim Agreement, terms for the exit option have been tightened. South Africa has now proposed that any creditor opting to convert debt into a 10-year loan be paid until the end of 1993 (i.e., the end of the Third Interim Agreement) at the same rate as for holders of frozen debt. Thereafter, there will be a period of four years in which no capital repayments will be made; but, after that period, the outstanding debt will be completely repaid over 30 months in five equal six-monthly instalments. Over

$US 4 billion have already been converted by creditor banks from frozen debt to exit loans in view of the higher priority repayment attached to the latter.

175. From January 1985 to June 1989, the total capital outflow from South Africa reached at least $US 10.8 billion, of which $US 3.7 billion was loan repayment to banks and $US 7.1 billion covered other debt repayments and capital flight by cautious investors.

176. Among major United States creditors, the policy towards the "exit option", which gives South Africa a four-year period of relief from debt repayments, has varied. Citicorp, Chase Manhattan Bank and Security Pacific Corporation decided to convert their South African loans to the exit option. Manufacturers Hanover Trust, Chemical Bank of New York, Bankers Trust and Continental Bank Corporation converted only some of their loans, while J. P. Morgan and Republic New York have a commitment not to convert any. 83/ Furthermore, six institutions, namely: Bankers Trust, Chase Manhattan Bank, Citicorp, Manufacturers Hanover Trust, J. P. Morgan and North Carolina National Bank, all still maintain correspondent ties with financial institutions in South Africa.

177. United Kingdom banks continue to be Pretoria's leading creditors, accounting for over a quarter of total bank loans outstanding. Their overall exposure was equal to approximately $US 3.9 billion at June 1989 and appeared highly concentrated, within two institutions, notably, Barclays and Standard Chartered banks. Both accounted for at least 45 per cent of the total exposure. 84/

178. Also significantly exposed are French financial institutions, led by Credit Lyonnais, Indosuez and Credit Commercial de France. At the end of September 1988, the last official report of the Banque de France recorded total French commitments equal to $US 2.19 billion. 85/

179. Since international banks and investors remain reluctant to make medium- and long-term loans to and investments in South Africa, virtually the only source of new capital available to South Africa is trade credit. Although the full amount of South African trade credit debt is unknown, some statistics on export credit agency loans are available. At the end of September 1989, the Berne Union reported the following information for South Africa's main trading partners: 82/

(a) The export-import bank Hermes (Federal Republic of Germany) has the largest total commitments outstanding to South Africa, namely, short-term $US 281.3 million and medium- and long-term $US 2.73 billion;

(b) The United Kingdom's Export Credit Guarantee Department has short-term credit commitments for exports to South Africa of $US 197.7 million and medium- and long-term commitments of $US 2 billion;

(c) France's export credit agency, Compagnie Française d'Assurance du Commerce Exterieur, has $US 1.2 billion in medium- and long-term commitments and $US 178.8 million in short-term commitments;

(d) Japan's Ministry of International Trade and Industry has short-term commitments of $US 691.1 million for exports to South Africa and medium- and long-term credit commitments of $US 251.9 million. It appears that the Japanese Government limits credits to South Africa due to certain political sensitivities. It is possible, thus, that the bulk of credit to support Japanese trade with South

Africa is provided from internal sources by the Japanese trading companies themselves.

180. In sum, however, the quantities of new trade credit being extended to South Africa are limited. The United States General Accounting Office, relying on data from the Organisation for Economic Co-operation and Development (OECD) and the Bank for International Settlements (BIS), has recently calculated that the total flow of new guaranteed trade-related credits, including Government guaranteed bank credits, from June 1986 up to and including June 1989, was $US 1.066 billion. As the report of the United States General Accounting Office concludes, "the substitution of medium- and long-term trade credit for conventional lending may offer South Africa some relief from its balance-of-payments problem, but does not fully compensate for the scarcity of conventional bank lending". 82/

181. A recent report on the South African economy by IMF found that removal of financial sanctions would enable the country to increase its yearly economic growth from 0.2 per cent to 2.1 per cent. This report was considered at the 1990 Article IV consultation on South Africa held on 10 October 1990 between IMF Executive Directors and the South African authorities. 86/

3. Disinvestment and South African foreign investment

182. The withdrawal of transnational corporations from South Africa continued during last year although the number of corporations withdrawing decreased sharply. According to the United Nations Centre on Transnational Corporations (UNCTC), between August 1985 and August 1990, a total of 560 transnational corporations disinvested from that country. As at mid-1990, 209 corporations based in the United Kingdom, 127 based in the United States and 106 based in the Federal Republic of Germany still retained equity interest in South Africa.

183. UNCTC reports that disinvestment has been most pronounced in the case of United States-based corporations. As at August 1990, a total of 314 United States-based corporations had disinvested from South Africa, compared to 139 based in the United Kingdom and 34 based in the Federal Republic of Germany (see table 5). However, 103 out of the 314 United States-based corporations are known to have retained non-equity ties with their former subsidiaries in South Africa, compared to 14 from the United Kingdom and 11 from the Federal Republic of Germany. Non-equity arrangements often ensure the continued flow of technology and technical support services, which is valuable to South Africa for its industrial development.

184. A major factor accounting for the disinvestment of United States-based corporations is the double taxation of profits established by the United States Rangel Amendment. The Amendment, which was enacted by the United States Congress in late 1987, eliminated foreign tax credits for taxes paid to Pretoria beginning in 1988. In addition, the United States anti-apartheid movement, to an extent greater than elsewhere, has succeeded in pressuring state, county and municipal authorities to adopt selected purchasing and/or contracting policies that bar any business with companies that have links with South Africa.

Table 5. Transnational corporations that have disposed of their equity interests in South Africa and Namibia, by country, and with non-equity interests when known as at August 1990

Country	Number of companies a/	Equity interests, of which known to be dormant	Non-equity interests
Australia	23	..	4
Austria	2	..	..
Belgium	6	..	3
Canada	32	3	2
Denmark	2	..	..
Finland	2	..	..
France	11	1	2
Germany, Federal Republic of	34	2	11
Ireland	1	..	..
Italy	7	..	2
Netherlands	10	..	3
New Zealand	3	..	..
Norway	3	..	..
Sweden	10	..	1
Switzerland	6	1	2
United Kingdom of Great Britain and Northern Ireland	139	2	14
United States of America	314	13	103
Totals	605	22	147

Note: Data on disinvestment and non-equity investment are generally more accessible for United States transnational corporations than for those of other countries.

Source: Figures provided by the United Nations Centre on Transnational Corporations.

a/ Including parents and subsidiaries/affiliates if the latter are known to operate independently.

185. According to the latest survey published by the Washington-based Investor Responsibility Research Center, the pace of disinvestment of United States-based corporations has continued to decline. The number of withdrawals of corporations based in the United States fell from a peak of 40 in 1987 to 25 in 1988 and 24 in 1989, while only 8 have disinvested so far in 1990. The trend may be attributed to a decrease over time in the number of corporations with interests in South Africa. 87/

186. Disinvestment has taken place primarily through various modes: by selling the transnational corporation's assets to South African companies, by selling to local management, by selling the assets to other foreign companies, by closing down local operations, or by transferring the assets to a trust. The first two modes have been used far more frequently than others and account for nearly two thirds of disinvestments in which the method used is known.

187. Political changes could induce a new flow of investment to South Africa, but to-date such moves are not yet discernible. In a remarkable development, foreign ownership of South African shares in the strategic mining sector declined. From a peak of 42 per cent in 1979 and over 20 per cent in 1988 foreign holdings progressively dropped to 14.5 per cent in 1989. The decline may be related to the favourable stance of national liberation movements towards a policy of nationalization of the mining sector. 88/ At the same time, in a recent interview, the South African Minister of Trade and Industry said foreign investments of up to R 4.5 billion were being planned by the motor industry, in the form of expansions at the Mercedes Benz, Toyota and Volkswagen plants.

188. A further R 500 million investment was aimed at the manufacture of auto-catalyst components, mainly for export. The world's biggest platinum refining and marketing group, notably Johnson Matthey, will soon produce up to 2 million automobile environmental catalytic converters in South Africa. Most of the production will be for automobile producers in the Federal Republic of Germany, namely BMW, Daimler-Benz and Opel (a subsidiary of the United States-based General Motors Corporation). 89/ A substantial increase in investment is also expected by corporations from Taiwan, Province of China, following the opening at Johannesburg in March 1990 of its International Investment Bank. The purpose of the office is to facilitate the inflow of capital to South Africa from Taiwan, Province of China. 90/

189. Notwithstanding such decisions as that of the United Kingdom in February 1990 to lift the voluntary ban on new investment, transnational corporations that went through the costly process of divesting are unlikely to reverse that course in the near future. Although South Africa is potentially a large market by the standards of the continent, it seems to be of marginal importance to most transnational corporations at this stage. 91/

190. The value of the total flow of direct investment of South Africa in the United States dropped to $59 million in 1989 from a peak of $265 million in 1987 and $81 million in 1988, whereas the total investment stock of South Africa in the United States amounted to $3,538 million in 1988. 92/

191. In March 1990, De Beers Consolidated Mines, the South African-owned company, which controls 80 per cent of the world's rough diamond market, announced the transfer of control of all its foreign holdings to De Beers Centenary AG, its company based in Lucerne (Switzerland). 93/ De Beers Centenary AG heads the

De Beers world-wide diamond network, its $2.5 billion gem stockpile, mines in Africa and all foreign investments. Although the company denied it, there was speculation that the move was related to fears of possible nationalization by a post-apartheid Government. 94/

B. Assessment of the impact of sanctions on the South African economy

192. Sanctions have imposed substantial constraints on the South African economy, primarily through the denial of loans and capital for investment. Estimates of the total cost imposed by economic sanctions vary significantly, but a recent study concluded that, without sanctions, South Africa's economy would be 20 to 35 per cent more than it is today. 95/ The oil embargo, on its own, has cost the South African economy an estimated $US 22.1 billion in the period from 1979 to 1988. 96/ When this figure is added to the cost of evading the mandatory arms embargo, lost export revenues, increased import costs, flight of foreign capital and the virtual exclusion since 1985 from international loans, the total cost of economic sanctions could be estimated to be at least $US 27 billion. 97/

193. Sanctions have had a significant impact on segments of the white community in South Africa. The political perception that sanctions have limited the options available to Pretoria is now widespread in South Africa's ruling circles, and was explicitly cited as a crucial factor leading the authorities to legalize the banned political opposition and to free ANC leader Nelson Mandela. Already in May 1989 the late Gerhard de Kock, Governor of the South African Reserve Bank, had warned that "the ideals of optimal growth, low inflation and rising standard of living will not be achieved without adequate progress in the field of political reform". The February 1990 Economic Review of the Standard Bank noted that for much of the last decade "sanctions imposed an additional problem, costing the country at least 2 per cent per year in economic growth". The need to break out of this international isolation by political means was acknowledged by President de Klerk during an address to a joint session of the Parliament on 7 June 1990. At that time, he stated that: "We cannot live in isolation from the rest of the world. We need foreign trade and investment. We need technological, cultural and sporting interaction with other countries."

194. At the same time, it is increasingly recognized that the effects of international pressure depend, to a large extent, on the measures the South African authorities adopt in response to, or in anticipation of, that pressure. In fact, the mere threat of sanctions has forced the authorities to adopt costly autarchic policies to reduce dependence on the outside world, thereby greatly curtailing productivity growth. It is estimated that these policies combined with the virtual loss of capital flows from abroad, have resulted in a 2 per cent to 3.5 per cent decrease in the rate of economic growth in the last 20 years. The latest study of the Investor Responsibility Research Center on the impact of sanctions on South Africa concludes that import-substitution policies adopted by the authorities during the period 1967-1985 depressed real intermediate import growth by 47 per cent. 98/

195. The debate on the impact of sanctions has highlighted the inadequacy of monitoring, as well as the less than vigorous implementation of the curremt sanctions by Member States. In his report entitled "Measures to monitor sanctions against South Africa undertaken by the United Nations system, Governments and

non-governmental agencies" (A/45/670), the Secretary-General concluded that the rather weak co-ordination in the application of sanctions and the different approaches to their implementation among Governments have created a number of loopholes that can and have been used to evade sanctions and reduce their effectiveness. This would seem to be true with reference both to the national measures adopted by individual States and to the measures adopted jointly by a number of Governments. The Secretary-General further noted that the monitoring process would be greatly enhanced if all States adopted enforcement mechanisms to prevent the violation of those measures.

C. Military relations

196. For the first time in many years, South Africa is reducing its budget allocation for defence expenditures. While in 1989 defence expenditures accounted for 15.4 per cent of the total budget, or 4.2 per cent of GNP, in 1990 they represent 14 per cent and 3.7 per cent, respectively. Thus, in comparison to last year's budget, actual military expenditures in 1990 are being reduced by about 15 per cent. 99/ However, the defence budget included an allocation of R 5,000 million to the Special Defence Account, which is not subject to public scrutiny and is larger than the allocation for social welfare. It may be recalled that the Special Committee has in the past drawn attention to the use of the Special Defence Account for covert activities, including the provision of clandestine weapons from abroad (evasion of the arms embargo) and the destabilization of southern African States. Furthermore, the allocation for the police increased substantially and was estimated at R 2,900 million in comparison to the R 2,490 million in the 1989 budget. 100/

197. In September 1990, authorities announced further military cut-backs, which would result in the closure or merger of 16 army and air force units. This announcement confirmed the projections of the military budget and represented a certain change in Pretoria's strategy from an emphasis on the military to an emphasis on the police. These changes followed an earlier decision to reduce the period of military service and to retrench personnel in the Armaments Corporation of South Africa (ARMSCOR). It was estimated that the ARMSCOR budget would be reduced by 40 per cent. In addition, 11 major weapons projects that ARMSCOR was to start in 1990 were cancelled. 101/

198. At the same time, however, it was reported that on 15 January 1990, the Atlas Aircraft Corporation of South Africa unveiled its newest weapon, a combat-support helicopter, the ROOIVALK XH.2. The helicopter's two-seater, multi-role flying weapons platform may be equipped with air-to-air and air-to-ground missiles, rockets and a cannon for battlefield support. The general manager of the Aircraft Division of ARMSCOR stated that the aircraft was intended for export and that marketing activities would start soon. 102/ While authorities claimed that 100 per cent of the helicopter is made locally, most military experts agree that the South African armaments industry still depends on the import of essential components for the production of such military hardware.

199. The régime has often claimed that it is no longer dependent on foreign markets to obtain its military hardware and technology. However, reports continued to emerge about the extent of military collaboration with other countries and companies. It was reported that the United States-based company, International Signal and Control, which was purchased by the Ferranti Corporation (United

Kingdom), was involved in violations of the arms embargo. It was stated that the company's main objective was to function as a sanctions-busting operation that would allow South Africa to obtain armaments contracts. According to press reports, the United States and British Customs and the United States prosecutors were investigating the activities of both the International Signal and Control and Ferranti. In particular, the investigation would examine whether the secret missiles contracts of the Ferranti Corporation, indeed, involved the use of South African components.

200. In a related development, prosecutors filed papers in United States District Court in Philadelphia in September 1990, alleging for the first time that the former Deputy Chairman of Ferranti International personally "directed" certain fraudulent activities. The papers contained information that the International Signal and Control shipped electronic military equipment to South Africa without the necessary United States export licences. It was also revealed that the International Signal and Control was created in 1971 for the purpose of illegally exporting armaments and military technology to South Africa. Upon Ferranti's takeover of the International Signal and Control in 1987, the new Deputy Chairman (reportedly an arms dealer from Pennsylvania), made up contracts with fictitious customers, which were channelled through a number of front companies and 39 bank accounts in the United States and Switzerland. 103/

201. In the United States a businessman pleaded guilty to his involvement with a national of South Africa living in Toronto (Canada) in a scheme to export military gyroscopes to South Africa for use in anti-tank missiles. The estimated cost of the scheme was $50 million. 104/

202. It was reported that between 1984 and 1988 the Government of Iraq had purchased 200 FH-70 155 mm toned howitzers from South Africa. The transaction involved the supply of Iraqi oil in exchange for these howitzers. Although South African authorities rejected the suggestion that South Africa was supplying weapons to Iraq, the Foreign Minister of South Africa recently declared that Pretoria had stopped all trade with Iraq (including armament sales) and affirmed his country's decision to abide by the sanctions imposed against Iraq by the Security Council. 105/

203. The issue of South Africa's military relations with other countries, including violations of the mandatory arms embargo imposed by Security Council resolution 418 (1977) of 4 November 1977, was the subject of particular attention by the Special Committee, by Member States and by the international community as a whole.

204. South Africa's long-standing collaboration with Israel in the military field is continuing unabated. Recent reliable reports indicate that that collaboration has resulted in the development by South Africa of nuclear-tipped medium-range missiles with complete testing facilities. Part two of the present report contains current information on that collaboration.

205. The change of government in Chile and the statements made by the newly elected Government concerning its commitment to abide by the Security Council resolutions on the arms embargo represented a positive step in view of the close military collaboration that existed between the previous Government of Chile and the Pretoria régime. 106/ Owing to the efforts of the new Government of Chile, South Africa was unable to participate in the International Aeronautic Air Fair in Chile/FIDAE 90. However, it was reported that South African military equipment, namely G5 and G6 155 mm howitzers were exhibited under the aegis of Industrias

Cardoen. It should be recaled that Cardoen officials acknowledged in March 1989 that the corporation was involved with ARMSCOR in the co-production of the G5 155 mm howitzers, which is destined solely for export. 107/

206. The Special Committee has for several years followed developments relating to the delivery of microfilms of the blueprints of the U-209 submarine to South Africa by two corporations based in the Federal Republic of Germany, namely, Howaldswerke-Deutsche Werft AG and Ingenieurkontor Lubeck. It should be recalled that the issue of the blueprints had appeared in previous reports of the Special Committee. 108/

207. On 28 June 1990, the Special Committee received a copy of a letter from the Acting Permanent Representative of the Federal Republic of Germany, addressed to the Chairman of the Security Council Committee established by Security Council resolution 421 (1977). According to the letter, the Public Prosecutor's Office at Kiel Regional Court had instituted formal proceedings against individuals from the above-mentioned corporations, on the grounds of a possible offence under section 34 of the Foreign Trade and Payments Act. The Special Committee was furthermore informed that the Public Prosecutor's Office would have to decide on formal charges. The letter also described the legal provisions and their amendments through June 1990, which were aimed at the stricter enforcement of the arms embargo by the Federal Government. It should be recalled that in 1989, it had been demonstrated that the Federal Republic lacked effective legislation to implement the arms embargo. 109/

208. Information made available to the Special Committee by some members of the Bundestag revealed the conclusions of the Court, according to which the managing directors of the corporations had not committed a criminal offence. The Court, however, found that sufficient grounds existed for an investigation of "a violation of administrative rules". The Court also concluded that the submarine blueprint project has not been significantly harmful to the foreign relations of the Federal Republic of Germany. In this connection, some members of the Bundestag reported that the Federal Government had ordered the Kiel Regional Finance Office to institute prosecution proceedings against the managers of the corporations for breach of administrative rule under the Foreign Trade and Payments Act. 110/ Although the Kiel Regional Court ruled that the offence committed by the two companies was a misdemeanor, some members of the Bundestag claim that the blueprints were delivered to South Africa as late as 1987. The dismissal of the criminal case brought a strong reaction from the spokesman of the Social Democratic Party and leaders of the Green Party. 111/

209. During the period under review, the Security Council Committee established by Council resolution 421 (1977), of 9 December 1977, concerning the question of South Africa, issued a report on its activities covering the period 1980 to 1989. The report included an outline of the main points raised by speakers at the closed hearings held by the Committee on 14 and 27 September 1989 in New York. One of the points was that the arms embargo was but one of many instruments for exerting pressure on South Africa and during the current period even more vigilance was required in monitoring and strengthening such pressure. In the view of some participants, it was vital that Security Council resolutions 558 (1984) of 13 December 1984 and 591 (1986) of 28 November 1986 be made more comprehensive. It was stressed that the methodology for analysing the arms embargo should be based on all external factors promoting the growth of South Africa's military potential. In that context, special emphasis should be given to examining collaboration with

South Africa in the fields of computer technology, new materials, genetic engineering, molecular biology and nuclear research. It was also noted that the adoption of a clearer definition of "arms and related matériel" as recommended by the Commonwealth Committee of Foreign Ministers on Southern Africa could assist in the effective implementation of the arms embargo. 112/

210. The conclusions of the report of the Security Council Committee also repeated an appeal to all States:

> "... to tighten their scrutiny efforts and to increase their vigilance with regard to licensing procedures for the export or re-export of military equipment so as to ensure that none of it reaches South Africa in violation of Security Council decisions. The Committee also wishes to appeal to Member States to ensure that the provisions of the embargo are fully implemented in their national legislation and to mount thorough investigations of any reported violations that might be drawn to their attention. In order to deter violations of the embargo it is important that those who might be tempted to supply South Africa with weapons should be aware that contravention of the embargo will result in substantial penalties." 113/

D. Effects of destabilization

211. A number of political developments have had a positive impact on southern Africa during the period under review. The evolving relaxation in political relations among the major Powers has improved the climate of international co-operation and has led to an active search for peaceful settlements to regional conflicts, notably in Namibia. South Africa signed an agreement with Angola and Cuba, which allowed the implementation of Security Council resolution 435 (1978) of 29 September 1978 for the independence of Namibia. The agreement involved the withdrawal of Cuban forces from Angola, the closure of ANC facilities in Angola and a South African undertaking to stop aggression against Angola, including its military support to the forces of the União Nacional para a Indepêndencia Total de Angola (UNITA). Elections for a Constituent Assembly were conducted in Namibia in November 1989 under the supervision and control of UNTAG. The South West Africa People's Organization (SWAPO) obtained a majority of the votes. Finally, Namibia acceded to independence on 21 March 1990 and a democratic constitution adopted by consensus was put into effect.

212. Encouraging developments also occurred in Angola and Mozambique, the two countries that have been most affected by Pretoria's policy of aggression and destabilization towards its neighbours. Following the collapse of the Gbadolite Agreement, the Angolan Government and representatives of UNITA held four rounds of talks in Portugal between April and September 1990. Representatives of the United States of America and the Union of Soviet Socialist Republics (USSR) are not participating directly in the talks but remain at hand should "technical advice" on military issues be necessary. 114/ While no formal accord was reached nor a cease-fire agreed upon, there appears to be more prospects for a settlement of the conflict in Angola. After a first aborted attempt to organize a meeting between representatives of the Mozambican Government and of the Resistência Nacional de Mozambique (RENAMO) at Blantyre, Malawi, in June 1990, talks were held between the two sides in July and August 1990 in Rome. There were four observers at the meeting, including a member of Parliament of the Italian Socialist Party in representation of the Italian authorities. A joint statement was issued,

describing the meeting as "open and frank" and speaking of the need "to put aside what divides us and concentrate on what unites us", but without providing any detail on a possible platform or process to end the war.

213. The South African authorities have repeatedly denied that they have provided any assistance to RENAMO. However, evidence seems to have emerged that the RENAMO rebels are still being supplied from over the South African border. An article published by the Johannesburg-based The Weekly Mail stated that: "A month's long investigation has revealed that intermittent staging points along the 500 km-long border have been used to support RENAMO bands. The scale of the evidence suggests there may still exist a clandestine military unit - that deploys secret funds and recruits private businessmen along the lines of the Civil Co-operation Bureau - aimed to destabilize Mozambique, probably without the knowledge of the Cabinet". 115/ The article also quoted a report published by the Southern Africa Quaker Peace Initiative, which said that: "There is overwhelming evidence that certain elements in South Africa (especially in the defence forces) continue to recruit Mozambicans to support RENAMO and give material and logistical support to the bandits". In response to an open-letter from journalists, intellectuals and artists in Mozambique, which requested South Africans to help end the war in Mozambique, a number of South African anti-apartheid organizations formed the Mozambique Solidarity Action Interim Committee (MOSAIC). Saying that RENAMO has "no discernible political strategy and has waged a war based on terrorizing the local populace and destroying whatever socio-economic infrastructure exists", MOSAIC is campaigning for a public inquiry to investigate the sources of support for RENAMO from South Africa and for legislation that would make it a punishable offence to support RENAMO. 116/

214. The impact of the conflicts affecting Angola and Mozambique in terms of economic loss and human suffering has been considerable. In October 1989, the Economic Commission for Africa (ECA) published a report entitled South African Destabilization: The Economic Costs of Front-line Resistance to Apartheid. 117/ Estimating that South Africa's military aggression and destabilization of its neighbours had cost the region more than $60 billion over the decade, the study showed that destabilization had been the principal cause of economic set-backs for the area. The study also showed that key targets of South Africa's destabilization strategy had been the region's transport links. Mozambique's transport infrastructure, in particular, is potentially the region's external trade lifeline and is central to the reduction of regional dependence on South Africa. During the past few months, RENAMO rebels have stepped up their attacks in Mozambique, destroying roads, railways and power lines to the capital Maputo.

215. According to the "human suffering index" of the Washington Population Crisis Committee, Mozambique ranks highest of all countries on a scale of human suffering as a result of these long years of war. Data appearing in the S.A. Barometer at Johannesburg showed that some 530,000 persons have died in Mozambique because of the war, and that nearly 2 million people have either been displaced or fled the country. 118/ Human rights workers estimate that up to 250,000 Mozambicans have sought refuge in South Africa. Scores have died on the electricity-controlled razor wire fence that South Africa erected along its border to prevent the entry of illegal immigrants. 119/ It is estimated that 100,000 Mozambicans have fled to Zimbabwe. In September 1990, during a press conference given at the United Nations by the President of Mozambique, Mr. Joaquim Alberto Chissano, he stated that his Government was committed to a search for peace, political transformation and the recovery of its economy and determined to bring security to the country

through "military actions against destabilization". 120/ In Angola, the sabotage of highways and rail lines has also severely disrupted the economy - already drained by drought - and has made it difficult to transport food and necessities to remote regions of the country. The extensive use of landmines by UNITA has also given Angola the highest rate of limbless people in the world, with 50,000 Angolans bearing amputations. 116/

216. Notwithstanding some positive developments in the region, opponents of apartheid continued to be victims of terrorist actions in the neighbouring countries of South Africa during the recent period. Among these actions were the assassination of Sam Chand, a member of PAC and his entire family, at Botswana in April 1990, as well as the serious injuries inflicted to Reverend Richard Lapsley, an ANC member who received a parcel bomb sent to him in Zimbabwe, also in April 1990. During the attack at Botswana, the area was destroyed with time-bombs in a fashion similar to the attacks carried out previously by elements of the South African security apparatus. Terrorist actions perpetrated by "hit squads" against members of the national liberation movements living abroad were among the allegations recently made against the CCB (see sect. II B4 to the present report). In addition, there is no indication yet that authorities have made any serious attempt to investigate such units as the Reconnaissance Commandos created by the South African Directorate of Military Intelligence, which were key elements providing direction and a support network for RENAMO and such other forces used in southern Africa.

IV. INTERNATIONAL ACTION AGAINST APARTHEID

A. General

217. A significant initiative in international action against apartheid undertaken by Governments was the adoption by consensus on 14 December 1989 of the United Nations Declaration on Apartheid and its Destructive Consequences in Southern Africa (see General Assembly resolution S-16/1, annex). The programme of action of the Declaration represented a commitment of Governments not to "relax existing measures aimed at encouraging the South African régime to eradicate apartheid until there is clear evidence of profound and irreversible changes, bearing in mind the objectives of this Declaration".

218. ANC leader Nelson Mandela visited several countries and the United Nations advocating, among other things, that pressure should be maintained on South Africa. Anti-apartheid movements and non-governmental organizations also campaigned world wide against the relaxation of sanctions and, in several cases, succeeded in having local authorities adopt restrictive measures concerning their transactions with transnational corporations that maintain ties with South Africa.

B. Programme of action of the United Nations Declaration on apartheid

219. In pursuance of the objectives stated in the Declaration on Apartheid and its Destructive Consequences in Southern Africa (see General Assembly resolution S-16/1, annex), Member States decided:

> "(a) To remain seized of the issue of a political resolution of the South African question;
>
> "(b) To step up all-round support for the opponents of apartheid and to campaign internationally in pursuance of this objective;
>
> "(c) To use concerted and effective measures, including the full observance by all countries of the mandatory arms embargo, aimed at applying pressure to ensure a speedy end to apartheid;
>
> "(d) To ensure that the international community does not relax existing measures ... until there is clear evidence of profound and irreversible changes, bearing in mind the objectives of this Declaration;
>
> "(e) To render all possible assistance to the front-line and neighbouring States to enable them to rebuild their economies ...;
>
> "(f) To extend such assistance to the Governments of Angola and Mozambique as they may request in order to secure peace for their peoples, and to encourage and support peace initiatives undertaken by the Governments of Angola and Mozambique aimed at bringing about peace and normalization of life in their countries."

220. In the programme of action also, the Secretary-General was requested to prepare and submit a report to the General Assembly by 1 July 1990 on the progress made in the implementation of the Declaration. In June 1990, the Secretary-General

dispatched a team of senior United Nations officials to South Africa to meet with the authorities and with representatives of political parties and movements and other concerned organizations to obtain factual information on latest developments relating to the question of apartheid. The team met with eight ministers of the Government, with leaders of the national liberation movements and with representatives of 39 political parties, movements and organizations. In its concluding remarks, the report observed that "... The political process on which it [South Africa] has embarked holds encouraging prospects of leading to the dismantlement of apartheid ...".

221. Introducing his report (A/44/960) at a resumed forty-fourth session of the General Assembly, held on 20 July 1990, the Secretary-General stated that he was greatly encouraged by the positive developments that had taken place in South Africa. He considered that, of the measures required by the Declaration to create a climate for negotiations, only one had been implemented in full, while other measures had been partly implemented. He concluded that whereas "South Africa had reached the threshold of a new era", the political process towards the dismantlement of the apartheid system was still at an early stage.

222. The African Group of States to the United Nations, commenting on the report of the Secretary-General, concluded that there is "irrefutable evidence that such changes as may have taken place in South Africa can in no way be construed as constituting profound and irreversible change. Indeed, nowhere in the Secretary-General's report is it stated that the terms of the Declaration have been met ...".

223. The Special Committee against Apartheid, in a press release dated 24 July 1990, welcomed the report of the Secretary-General, stating that it agreed with his observation that although the process of change in South Africa had started, it was still at a preliminary stage. The report, according to the Special Committee, "puts an end, once and for all, to the views that were expressed in some quarters that profound and irreversible changes had already taken place in South Africa".

224. The General Assembly considered the report of the Secretary-General (A/44/960 and Add.1-3) at another resumed session held between 14 and 17 September 1990, in which its resolution 44/244 on the "Policies of apartheid of the Government of South Africa" was adopted by consensus. The resolution noted that Members of the United Nations and the international community had "generally adhered to the programme of action contained in the Declaration", and expressed "its concern over any departures that have occurred from the international consensus reflected in the Declaration". It called upon "all Governments and intergovernmental organisations to adhere strictly to the programme of action ... by maintaining existing measures aimed at encouraging the South African régime to eradicate apartheid until there is clear evidence of profound and irreversible changes, bearing in mind the objectives of the Declaration".

C. Other United Nations action

225. At the Public Hearings on the activities of transnational corporations in South Africa and Namibia, organized by the United Nations Centre on Transnational Corporations (UNCTC) at Geneva, from 4 to 6 September 1989, the Panel of Eminent Persons recommended a stricter implementation and monitoring of sanctions against South Africa. 121/

226. The International Labour Organisation (ILO) established in 1989 a Group of Independent Experts to follow-up and monitor the implementation of sanctions and other action against apartheid throughout the world, in particular the steps taken to circumvent such measures. The Group decided to place emphasis on studies concerning an embargo on South African coal, effective financial sanctions and the severance of air links with South Africa. Preliminary reports on financial and coal sanctions have been considered by the Group. Further monitoring continued to be undertaken by the Committee on Action against Apartheid of the International Labour Conference and by the Committee on Discrimination of the ILO Governing Body. In that regard, during its seventy-seventh session held in June 1990, the International Labour Conference, based on the report of the Committee on Action against Apartheid, made several recommendations. In particular, the Conference reiterated its appeal to Governments to bring about an embargo on South African coal, effective financial sanctions, appropriate legislation to prevent the sale and transportation of oil to South Africa and the effective severance of air links with South Africa. To this effect, the Conference called for special target campaigns, with the fullest participation by all constituent members. In addition, the Committee on Discrimination reviewed, at the 246th session of the ILO Governing Body (May-June 1990), the most recent information supplied by Governments and employers and workers' organizations regarding their action against apartheid.

D. Governments and intergovernmental organizations

227. There had been a growing movement in the United States Congress to strengthen the sanctions envisaged in the Comprehensive Anti-Apartheid Act of 1986. A number of bills had been introduced in Congress in that connection, aimed at imposing additional sanctions against South Africa, at increasing the aid allocated to South African organizations and at improving relations between the United States and Angola. Following President de Klerk's pronouncements of 2 February 1990, the Senate Foreign Affairs Subcommittee on Africa suspended its activities on the preparation of a new bill that would expand present sanctions by barring the rescheduling of any current United States bank loan to South Africa. The bill would also require the United States to vote against any IMF loan to that country.

228. The United States Secretary of State visited South Africa in March 1990 and met President de Klerk in Cape Town. Furthermore, President de Klerk met with President George Bush in Washington, D.C. in September 1990 and with members of the United States Congress. It was the first such meeting between a United States President and a South African leader since the National Party established apartheid in 1948. After the meeting, President Bush described the process of change in South Africa as "irreversible". In this context, he added that further steps needed to be undertaken and that the time had come to encourage the "emerging new South Africa". 122/ He noted that the sanctions in place under the Comprehensive Anti-Apartheid Act of 1986 could not yet be lifted. The 1986 Act provides that before sanctions can be lifted, statutory conditions must be met including the release of all political prisoners, the lifting of the state of emergency and of the ban on democratic political groups, the repeal of the Group Areas Act and the Population Registration Act and an agreement to enter into good faith negotiations, without pre-conditions, with truly representative members of the black majority.

229. In October 1990, President Bush introduced before the United States Congress a report pursuant to Section 501 of the Act of 1986. In the report, he said that the steps taken by the [South African] Government had met some of the conditions set

out by the Act and others might be met in the future. "... The Administration does not believe it appropriate to modify or suspend existing sanctions until the requirements established by Congress in Section 311 have been met. However, neither should the goalposts for lifting sanctions be moved in the opposite direction ...," the report added. 123/

230. The Heads of Government of the Commonwealth, at their meeting at Kuala Lumpur in October 1989, adopted the Kuala Lumpur Statement entitled "Southern Africa: The Way Ahead" (see A/44/672-S/20914, annex). In their statement, which was supported by all Commonwealth members, with the exception of the United Kingdom, the Heads of Government acknowledged that the impact of sanctions had begun to influence the policies of South Africa and that sanctions should therefore be tightened. 124/ Accordingly, they decided to develop new forms of financial pressure, to support the initiative taken by the Commonwealth Committee of Foreign Ministers on Southern Africa to strengthen the mandatory arms embargo, and to continue to pursue it at the United Nations in the Security Council Committee established by Council resolution 421 (1977) concerning the question of South Africa. They also endorsed the establishment of an independent agency to review and report on South Africa's international financial links on a regular basis and to gather and publicize factual information on financial flows to and policies towards South Africa. In addition, they proposed the establishment of an Expert Group on Human Resource Development for a Post-Apartheid South Africa.

231. The Commonwealth Committee of Foreign Ministers on Southern Africa, constituted by the Ministers from Australia, Canada, Guyana, India, Nigeria, the United Republic of Tanzania, Zambia and Zimbabwe, at its meeting at Abuja (Nigeria), in May 1990, welcomed the developments that had taken place in South Africa as offering an unprecedented opportunity for movement away from the apartheid policies. The Committee adopted the Abuja Commitment in which it reiterated that "to relax sanctions would prejudice seriously the objective of successful negotiations. Sanctions must remain until there is clear evidence of irreversible change". Underlining the importance of maintaining the existing consensus on international sanctions, the Committee agreed to convey its views to other Governments, in particular its counterparts in the European Community and the Group of Seven, as well as in Eastern Europe, urging them not to reduce their pressure on South Africa before changes of substance had occurred. Following its consideration of a report on the work of the United Nations Security Council Committee on the arms embargo, the Commonwealth Committee of Foreign Ministers agreed to continue to press for greater transparency in the operation of the Committee to ensure a more effective application of the arms embargo by the international community. 125/

232. The Ministers for Foreign Affairs of the Nordic countries, at a meeting held in Norway, on 11 and 12 September 1990, adopted the Nordic Declaration on South Africa (A/44/977, annex). The Declaration noted that significant and positive developments have begun in South Africa, but pointed out that fundamental elements of the basic pillars of the apartheid system are still in force. The Ministers, therefore, pledged to "maintain the pressure on the South African Government, including economic sanctions, until there is clear evidence of profound and irreversible changes in South Africa". In view of the positive developments, they agreed to review the Nordic Programme of Action against Apartheid. The Nordic countries have already modified their joint guidelines concerning the issuance of visas to South African citizens "with a view to increasing opportunities for contacts that could contribute to furthering the dialogue and the democratization process ...".

233. At their meeting, held at Dublin, on 20 February 1990, the Foreign Ministers of the European Community declared that further steps needed to be taken by South Africa before the position of the Community could be reviewed. They decided to dispatch a team of ministerial representatives on a fact-finding mission to South Africa with the purpose of assessing the current changes in the country. Led by the Foreign Minister of Ireland, the team met with South African authorities and leaders of the apartheid opposition. The team urged President de Klerk to press on with political reforms until apartheid was abolished. At their summit, held at Dublin, on 25 and 26 June 1990, the leaders of the European Community agreed to maintain sanctions despite an effort by the United Kingdom to have them relaxed. Having examined a plan elaborated by the Government of the Netherlands for the gradual lifting of sanctions, the leaders of the European Community agreed to consider a "gradual relaxation of the punitive measures" when "there is clear evidence that the process of change initiated continues". 126/ Earlier, on 14 June 1990, the European Parliament had voted by a majority of 177 to 47 to maintain economic sanctions against South Africa until apartheid "is completely and irrevocably abolished". 127/

234. A gradual change of policy, however, has occurred in the case of certain member States of the European Community. The Government of the United Kingdom, in particular, stated in February 1990 that "the changes now taking place in South Africa vindicate a policy of contact rather than isolation. We do not see that cultural, scientific or academic boycotts make sense or contribute to the weakening of apartheid. In future, we shall not discourage artists, scientists or academics from going to South Africa or from joining in meetings with South Africans". The British Foreign Secretary also announced the unilateral decision of the Government of the United Kingdom to end the voluntary restraint on new investment in effect since 1986.

235. Several countries of the European Community officially received President de Klerk in May 1990. He visited France, Greece, Portugal, Belgium, the United Kingdom, the Federal Republic of Germany, Switzerland, Spain and Italy. While the official reception was quite warm, in many countries anti-apartheid movements staged demonstrations protesting the visit. The Special Committee characterized the visits as "entirely premature" and creating false impressions. 128/ Later, in October 1990, President de Klerk made official visits once more to Portugal and the United Kingdom and, for the first time, to the Netherlands. He also visited Morocco and Luxembourg.

236. In September 1990, the Kampala Communiqué of the OAU Ad Hoc Committee on Southern Africa reaffirmed the conclusions contained in the report of its Monitoring Group that "... There has not been any fundamental or irreversible change in South Africa ...". The Ad Hoc Committee was of the view that until the régime undertook the steps contained in the United Nations and Harare Declarations for the creation of a climate conducive to negotiations, "the international community should, at the very least, maintain the present pressures and sanctions as a means of ensuring the full and immediate implementation" of both Declarations. 129/

E. Non-governmental and other organizations

237. Non-governmental and other organizations continued their international campaign against apartheid by focusing their activities on three main areas: monitoring the enforcement of sanctions adopted by the international community against South Africa, influencing public and governmental opinion on apartheid, and providing support to the national liberation movements and the anti-apartheid opposition in South Africa.

Monitoring the enforcement of sanctions

238. The London-based World Gold Commission continued to promote the imposition of sanctions on imports of South African gold. Following initiatives in the United States Senate, the United States Congress undertook an inquiry into the feasibility of introducing an embargo on the importation of gold. The Commission gave evidence to this inquiry conducted by the United States General Accounting Office in both London and the United States. In a report published in 1989 on the feasibility of imposing additional sanctions on the import of South African gold, the U.S. General Accounting Office concluded that the South African Reserve Bank, which is the only South African agency empowered to export gold, was a parastatal organization. Since the Act of 1986 prohibits the import of any product that is marketed by a South African parastatal organization, United States Customs authorities were directed to ban the import of all South African gold bullion. The Commission also carried out research concerning the marketing of South African gold through Switzerland. According to the Commission, gold arriving in Switzerland from South Africa is being transferred to Swiss "free ports". Swiss members of Parliament have been given information in that regard. The Commission is also promoting a boycott of products made with South African gold by providing an alternative supply of non-South African gold jewellery.

239. The End Loans to South Africa, an anti-apartheid organization based in London, announced in July 1990 that Ratners, the giant British jewellery retail shop, had agreed in principle to stop selling jewellery made with South African gold. The decision was brought about by intense political pressure and picketing conducted by that organization and others throughout the United Kingdom. The organization, End Loans to South Africa, continued also its research into and monitoring of financial sanctions against South Africa.

240. The Shipping Research Bureau, an independent body founded in 1980 by two anti-apartheid organizations in the Netherlands, published in September 1990 its biannual report on the circumventions of the oil embargo against South Africa (see sect. III A and B to the present report). Earlier, in March 1989, the Shipping Research Bureau began also to monitor more systematically the exports of coal from South Africa.

241. The Committee Zuidelijk Afrika (Holland Committee on Southern Africa) published in April 1990 a booklet on the implementation of the boycott of air links with South Africa, entitled "Apartheid by Air". Another publication by the same Committee, issued in 1990, entitled "Computerizing Apartheid", focused on the dependence of South Africa on foreign computer technology and on the trade of computers with South Africa.

242. In December 1989, the anti-apartheid movements of the Nordic countries established the Nordic Foundation on Southern Africa to assist those movements in

their research on sanctions against South Africa, notably by raising funds. At its first 1990 meeting at Stockholm, the Foundation's board decided to concentrate its resources on research into the import of South African coal to the Nordic countries, as well as the Nordic manganese trade.

243. The British Anti-Apartheid Movement continued its monitoring of sanctions, in particular financial sanctions, the arms embargo, the oil embargo and the export of sensitive equipment to South Africa. It produced several papers on the situation in South Africa which were presented to the United Nations, the Commonwealth and the European Community. In addition, it continued its campaign to publicize the repression of anti-apartheid opponents.

Influencing public and governmental opinion

244. Activities aimed at influencing public and governmental opinion on apartheid were particularly important in 1990, as anti-apartheid movements mobilized their constituencies in support of ANC leader Nelson Mandela's highly publicized visit to numerous countries in June-July 1990. The successful mobilization contributed to strengthening their anti-apartheid campaigns. International and national reception committees were established in order to co-ordinate and promote activities to celebrate Nelson Mandela's release and welcome him during his visit. The International Reception Committee organized a rock concert at Wembley (London), on 16 April 1990, which was attended by at least 70,000 persons and was broadcast to more than 30 countries. In an address to the gathering, Nelson Mandela urged the international community to "reject any suggestion that the campaign to isolate the apartheid system should be wound down". He added: "It is only those who support apartheid who can argue that Pretoria should be rewarded for the small steps it has taken, such as our release and the unbanning of the ANC and other organizations". Mr. Mandela also made a very successful visit to the United States in July 1990 during which he addressed a joint session of the United States Congress, met with President George Bush and spoke at a special meeting of the Special Committee held at the General Assembly Hall.

245. Earlier, anti-apartheid movements throughout the European Community noted that President de Klerk's visit represented a serious relaxation of international pressure on South Africa and urged the European Community and its member States to reaffirm their support for the United Nations Declaration. 130/

246. The British charity organization, OXFAM, launched in April 1990 a major campaign named "Front-line Africa" with three basic aims: to encourage the Government of the United Kingdom and the European Community to commit substantial new financial aid to the front-line States, to convince the Government and British banks to cancel all debts owed to them by these countries, and to urge the Government to maintain existing sanctions against South Africa. 131/ However, this last issue was excluded after a Charity Commission investigation declared that OXFAM, as a charity group, could not engage in political activities. The South African Coalition, formed by various British trade unions, religious and political groups, organized on 27 February 1990 a day of lobbying in Parliament. Three rallies were held in Westminster Central Hall, with the participation of 4,000 persons. 132/ In March 1990, a delegation of the South African Coalition led by Archbishop Trevor Huddleston, presented the British Foreign Secretary with a Memorandum, requesting that the United Kingdom Government reinstate its support of the measures agreed upon in the United Nations Declaration. 133/ In Spain, the

Madrid Anti-Apartheid Committee, in co-operation with two major trade unions, organized from March to July 1990, a campaign aimed at persuading the Spanish Government to cease the import of South African coal.

247. The Association of West European Parliamentarians for Action against Apartheid (AWEPAA) organized a conference on "Southern Africa in the 1990s: Europe's Role" at Paris on 22 May 1990. In his address to the Conference, the United Nations General Assembly President, Major-General Joseph N. Garba (Nigeria), urged the leaders of the European Community to maintain the international consensus achieved with the adoption of the United Nations Declaration. In the United States, the American Committee on Africa organized an "End Apartheid: Vote for the People" Campaign in 1990. About 50,000 ballots, collected in congregations, union halls and community centres across the country, expressed the support of the "voters" for the dismantling of apartheid and the granting of the right to vote to all South Africans.

Support to the national liberation movements

248. Non-governmental and other organizations have also tried to assist the national liberation movements in South Africa, notably by denouncing the repressive actions of the régime against the anti-apartheid opposition. The New York-based Committee to Protect Journalists addressed several letters in this regard to the South African authorities. In a telex of 5 July 1990, addressed to President de Klerk, the Committee expressed its alarm at the assassination of Sam Mabe, Assistant Editor of the Sowetan, and the explosion of a bomb at the Johannesburg offices of the Vrye Weekblad. The Washington-based Lawyers' Committee for Civil Rights Under Law issued a study in March 1990 on "The release of South Africa's political prisoners: definitions and expectations", while in September 1990, it published a report entitled South Africa's Death Squads. In the report, the Lawyers' Committee called on South African authorities to take a series of urgent steps "to end government-sponsored death squad activity and to guarantee that it does not simply shift operations to the cover of sympathetic ultra-right wing operations" (see sect. II B4 b of the present report). The British Anti-Apartheid Movement, for its part, addressed letters to the United Nations Secretary-General and to the Foreign Secretary of the United Kingdom expressing concern at the arrest of ANC senior member Mac Maharaj.

249. Religious groups have traditionally played an important role in the campaign against apartheid. In Australia, the Social Responsibility and Justice Commission launched in April 1990 a campaign to boycott petrol sold by Royal Dutch Shell until the company withdraws from South Africa. The Commission is encouraging millions of Australians to sign a register known as "Shun Shell" by which they will pledge not to buy any Shell products. 134/ In April 1990, 22 pastors of some of the largest churches in the United States visited South Africa at the invitation of the Anglican Archbishop Desmond Tutu and Reverend Frank Chikane, General Secretary of the South African Council of Churches. At a press conference in Johannesburg at the end of their visit, the members of the delegation stated that United States sanctions against South Africa ought not to be relaxed, but on the contrary, they should be intensified. 135/

250. Trade unions world wide continued their campaign to persuade their Governments to adopt new sanctions or to implement existing measures against apartheid, and to demand that their national companies withdraw from South Africa. The International Confederation of Free Trade Unions (ICFTU) submitted in August 1989 a statement to

the United Nations Commission on Human Rights, concluding with yet another call for mandatory economic sanctions against South Africa. In September 1989, it gave testimony to the Public Hearings organized by UNCTC on the activities of transnational corporations in South Africa and also addressed the sixteenth special session of the General Assembly on apartheid. The ICFTU continued its monitoring of sanctions, co-operating with the Shipping Research Bureau in this respect. 136/

251. The United States-based United Mine Workers has been pressing the United States Congress to take action to impose an oil embargo against South Africa. During the past few months, the United Mine Workers has maintained its pressure on Royal Dutch Shell to leave South Africa. 137/ In the United Kingdom, the Trades Union Congress continued to respond to requests from South African trade unions involved in disputes with British subsidiaries and other employers. In November 1989, for instance, at the request of the South African Railway and Harbour Workers' Union , the Trade Union Congress approached the South African Transport Services (SATS) and the South African authorities, urging them to reinstate 3,800 employees who had been dismissed for taking strike action. The Australian Council of Trade Unions (ACTU) committed approximately 190,000 Australian dollars to be spent over the three-year period 1989-1991 in support of an education programme for South African trade unionists.

252. Trade unions world wide have closely followed recent developments in South Africa. The United Automobile, Aerospace and Agricultural Implement Workers of America, for example, sent a letter to the Ambassador of South Africa to the United States on 6 May 1990 expressing deep concern about the escalating violence in Natal and urging South African authorities to take action to end that violence. Similarly, the 52nd Annual Convention of the Communications Workers of America, representing 525,000 members, adopted a resolution on the Natal violence, in which it demanded that the Governments of the United States and Canada pressure President de Klerk to stop the violence. 138/ Similarly, IFCTU appealed to Chief Gatsha Buthelezi to put an end to attacks by his followers on trade unionists in Natal, condemning particularly attacks that resulted in the deaths of several members of the National Union of Metalworkers of South Africa, a COSATU affiliate. 139/

F. People's sanctions

253. People's sanctions continued to be a major force behind the initiatives to tighten and expand the scope of current sanctions. In several areas of the United States, local authorities tightened their policies of selective purchasing with a view to expanding the scope of sanctions against South Africa. In the state of California, a disclosure law entered into force on 1 January 1990, allowing the institution of suits against companies which, although engaged in public offerings, continue to do business in South Africa. 140/ In Tallahassee (Florida), the City Commission barred the city from investing in any company with property, employees, branches or loans in South Africa. 141/ On 10 July 1990, the New York City Council unanimously adopted a law aimed at strengthening present legislation that prevents the city from doing business with companies that maintain ties with South Africa. The law expanded existing anti-apartheid provisions for companies that provide goods and services to the city and established a new rating system for the 28 banks now designated to handle the city's $US 200 million in deposits. In addition, the law included provisions, for the first time, to ensure that labour rights are respected by companies withdrawing from South Africa. It requires that the city

collect information on whether those companies provide their workers with six months' advance notice and negotiate in good faith over the terms of withdrawal. 142/

254. Government workers used the strength of their pension funds to pressure companies to withdraw from South Africa. The largest municipal pension fund in New York severed in 1990 all ties with firms still operating in South Africa, thereby divesting from more than 31 companies in the final phase of a four-year disinvestment plan. 143/ As catalysts for increased sanctions, those initiatives have resulted in a total of 26 states, 19 counties and 83 cities having disposed of stock in, withdrawn funds from and/or stopped purchases from companies involved in South Africa. These people's sanctions have caused over $20 billion to be divested from companies that do business in South Africa. 144/

255. As one of the largest foreign investors in South Africa, Royal Dutch Shell remained a major target of people's sanctions in numerous countries as were also Manufacturers Hanover Trust and Citicorp. In the United States, the National Labour Shell Boycott Committee organized a week of action for human rights and against apartheid from 4 to 10 December 1989. In Canada, the Alberta Anti-Apartheid Coalition, which has been monitoring Shell Oil's activities in Canada and South Africa, published a "Background Brief on Shell Oil". 145/ At the annual Royal Dutch Shell shareholders' meeting in London, in May 1990, an agreement was reached between anti-apartheid organizations and the company, allowing three anti-apartheid speakers to address the meeting. 146/ Similarly, IBM is facing intensive pressure from within its workforce to cease technology transfers to South Africa. In May 1990, 386 IBM employees from the United States, Europe and Japan submitted a resolution to this effect to the company's shareholders. Seventeen per cent of the shareholders voted in favour of the resolution. The campaign organizers have already submitted a resolution for the 1991 stockholder meeting, hoping to increase support for their initiative. 147/

G. Cultural boycott

256. The cultural boycott of South Africa remains an essential component of the concerted international action aimed at isolating the apartheid régime. The recent positive steps taken by Pretoria attest to the fact that the boycott of South Africa, including the cultural boycott, has been an effective means of encouraging a political solution to the conflict in that country. In that regard, during the period under review, governmental and non-governmental organizations and individuals continued to undertake activities and programmes in various parts of the world. While a number of artists have declared that they will not perform in South Africa as long as the apartheid system is in place, at the same time they have taken concrete initiatives to support the international campaign against the régime and for the liberation struggle.

257. Although there has been a marked increase in the international community's awareness of the cultural boycott of South Africa as manifested in inquiries and requests for information on artists who might have violated the boycott, foreign films continue to be made in South Africa. Film producers appear to be attracted by the generous tax benefits offered as incentives by the régime.

258. The United States production-based company, Harmony Gold, which created an uproar among anti-apartheid groups around the world a few years ago because of its production and promotion of the television mini-series entitled "Shaka Zulu", was

reported to be producing a sequel entitled "Shaka Zulu II", scheduled for release in 1992. The Special Committee has maintained that this television series, which was filmed in South Africa with the collaboration of the régime-controlled South African Broadcasting Corporation, was historically inaccurate and was designed to further the régime's policies in regard to the black population. The Special Committee and anti-apartheid groups continue to monitor activities connected with this production and to undertake joint efforts to persuade the individuals and companies to cease their involvement in such a project.

259. Despite the cultural boycott, there is no shortage of foreign television programming in South Africa. Although the television networks maintain a policy of not selling their own entertainment programming to South Africa, they sell news programmes there. Most prime time entertainment programmes are produced and owned not by the networks but by independent companies, which sell their programmes to the apartheid régime. 148/

260. Efforts to enforce the cultural boycott achieved some further success in the recent period. The Commodores, a well-known group of singers, had planned to perform in Sun City in the "independent" bantustan of Bophuthatswana as part of a concert tour scheduled in 1989. The Special Committee, together with the South African Musicians Alliance, Artists United against Apartheid and many other concerned parties, contributed to persuading the Commodores to reconsider their decision to perform in South Africa. The Commodores' decision to cancel their trip was a setback to Pretoria's attempts to break out of its internationally imposed cultural isolation. 149/

261. On 7 November 1989, the board of directors of the Screen Actors' Guild of the United States of America voted to reaffirm its position of October 1983 "in support of the Cultural Boycott of South Africa", and to urge members "to refuse to perform in South Africa or for a South African Production Company".

262. In January 1990, the Chairman of the Sub-Committee on the Implementation of United Nations Resolutions and Collaboration with South Africa, together with the Assistant Secretary-General, Director of the Centre against Apartheid, visited Los Angeles (California) to consult on plans to hold a follow-up Symposium to the Symposium on Culture against Apartheid, which was held in Athens in September 1988. They also met with representatives of the entertainment industry, as well as with representatives of the arts' trade unions and guilds. The series of meetings proved to be successful in influencing the groups that used to be uncooperative towards the purposes of the United Nations cultural boycott of South Africa because of misinformation and misconceptions that had been formed with regard to the United Nations Register of Entertainers, Actors and Others Who Have Performed in Apartheid South Africa and other related issues. At present the entertainment community in Los Angeles has shown substantial support for the activities of the Special Committee. A follow-up meeting to the Athens Symposium is being planned for early 1991.

263. The Special Committee also continued to implement the recommendations of the Athens Symposium, the main objective of which is to help the international artistic community become more actively involved with the liberation struggle in South Africa. At that Symposium a resolution was adopted calling for the formation of a Trust Fund for scholarships to be granted to young artists whose talents have been suppressed as a result of apartheid. In that connection, the Special Committee decided to support the already established African Arts Fund, as the Fund's

objective is to provide scholarships to young South African artists who, because of apartheid, cannot pursue their artistic aspirations in their own country. To date the African Arts Fund has given 19 grants to artists and, upon their return to South Africa, they offer the community performers and cultural advisers, art teachers, administrators, managers and producers. Activities are already under way to raise funds, search for grants and engage in joint ventures with institutions and universities, thereby expanding the operations of the Fund.

264. Artists who have refused to perform in South Africa have taken positive actions to assist the liberation struggle in South Africa. Artists United against Apartheid in the United States played a critical role in July 1990 in mobilizing the artistic community in support of the visit of ANC leader Nelson Mandela to the United States. During a fund-raising dinner in New York City sponsored by, among others, singer Little Steven Van Zandt, actors Robert De Niro and Eddie Murphy and film director Spike Lee, about $US 500,000 was raised on behalf of ANC. Those monies were to be used in the process of re-establishment of the organization in South Africa. In a brief address to that gathering, Mr. Mandela reiterated the support of ANC for the cultural boycott and stressed the important role of artists in enforcing such boycott. He appealed to artists to devote their efforts also to support those who are seeking to build a future South Africa. A similar fund-raising initiative by artists took place during Mr. Mandela's visit to Los Angeles.

265. At London (United Kingdom), also in July 1990, the Zabalaza Festival took place with the purpose of discussing issues concerning the culture of resistance. "Culture as a weapon of struggle", which has been a subject of intense discussion among artists in South Africa, was the centerpiece of debate during the festival. Representatives of the Congress of South African Writers reiterated calls for a culture that is both politically directed and aesthetically advanced. In that context, they called for South African art to express "the totality of human experience". Stressing the need to revive the strengths of traditional culture, a PAC representative said that "a great deal must be done to recover what we have lost". Other issues under discussion included conflict and culture and women and culture. In addition, several exhibits took place during the festival, including selections of photographs and paintings by South Africans living in South Africa and in exile. The festival ended with a discussion on post-apartheid culture.

266. At Glasgow (Scotland), from 23 to 27 September 1990, the Scottish Committee of the Anti-Apartheid Movement, in association with the Scottish Trades Union Congress and in consultation with ANC, organized the International Conference of Cultural Resistance to Apartheid. The objective of the conference was to bring together artists from South Africa and their international counterparts to discuss the theme of "Cultural Resistance to Apartheid - For a United, Non-Racial and Democratic South Africa" and its relevance to people everywhere.

267. During the period under review, the long tradition of cultural resistance to apartheid burgeoned in virtually every artistic field to become one of the most dynamic forms of creative expression in South Africa. In this context, The Weekly Mail Film Festival, which took place from 27 August to 15 September 1990, exemplified a forum that gave exposure to the progressive film culture that has developed in the country. While the festival focused on the role of cinema in the present period of transition, it also examined films made in and about South Africa from the turn of the century. Some of them, made in the 1950s and 1960s, had never been screened in South Africa before. The festival, which was supported by, among others, ANC and the Film and Allied Workers Organization (FAWO), also included a

showing of international cinema from Latin America, Africa, Europe and the United States.

268. The festival took place against a backdrop of debate in South Africa over the role of culture in the present period and in a post-apartheid South Africa. An important contribution to the debate was a paper presented at a seminar by ANC member Albie Sachs, in which he challenged the prevailing conception of culture. In his paper, he stated that the objective is not to create a model culture into which everyone has to be assimilated, but to acknowledge and take pride in the cultural variety of the people. Arguing that "apartheid has closed our society", he stressed that the historic mission of the organization was "to be harbingers of freedom of conscience, debate and opinion". 150/ Efforts continued to establish organizations according to the various artistic disciplines and to ally them with the non-racial trade union movement. In an attempt to co-ordinate cultural activities within and outside South Africa, a group of artists' organizations formed in May 1990 the National Interim Cultural Co-ordinating Committee. The Committee responds, partly, to the need for the culture of resistance in South Africa to come into contact with the world of culture outside.

H. Sports boycott

269. The sports boycott of South Africa achieved important successes during the period under review. The International Olympic Committee and its Commission on Olympism and Apartheid, in co-operation with the Special Committee against Apartheid and African sports organizations, took major steps to strengthen the sports boycott of South Africa and to assist all individual sportsmen and women, teams and sports organizations in South Africa to eradicate apartheid from sports in their country. The boycott was further strengthened by the decisions of the International Cricket Conference and the International Motorcycle Federation to ban sports contacts with South Africa.

270. In that context, in January 1990, a meeting took place in Paris, between advisers of the International Olympic Committee and officials of the white-dominated South African National Olympic Committee. It was their first meeting since South Africa was banned from the Olympic movement after the 1960 Olympic Games in Rome. In a statement issued after the meeting, representatives reiterated the position of the International Olympic Committee that South Africa must end apartheid before it is to be readmitted into the international olympic fold. According to the International Olympic Committee, the Olympic Movement could not consider reviewing South Africa's position until there were genuine non-racial sports federations in that country, covering all the Olympic disciplines. In that context, the President of the International Olympic Committee stated that South Africa could be readmitted to world sport only "with the consent of other African nations". 151/

271. The consultative meeting of the Commission on Apartheid and Olympism of the International Olympic Committee met at Kuwait from 19 to 20 February 1990. During that meeting, the Chairman of the Commission against Apartheid in Sports, also in his capacity as representative of the Special Committee, participated in discussions with the Commission on Apartheid and Olympism. It was the first formal meeting between those two bodies, although they had had a number of informal contacts in the past. The Commission made two proposals to the International Olympic Committee: (a) to invite the Association of African National Olympic

Committees to react to the initiatives taken by certain South African sports organizations, particularly to meet with all South African sports organizations and to report to the International Olympic Committee the results of the meetings, and (b) to study the possibility of bringing technical assistance to the less-favoured South African sportspersons in order to help them prepare themselves to address sports issues that they may face in the future. The President of the International Olympic Committee stressed that the sports ban against South Africa would not be relaxed and that any decisions concerning the ban would be taken only after consultations with those African countries. 152/

272. During the period under review, the Fourth International Conference against Apartheid in Sports was held at Stockholm (Sweden), from 4 to 6 September 1990. It was organized by the Special Committee against Apartheid, in co-operation with the Swedish Sports Federation, the Swedish National Olympic Committee, the South African Non-Racial Olympic Committee and the International Campaign against Apartheid in Sports. A total of 190 participants from over 40 countries attended, including sportspersons and sports administrators, activists in the international campaign to boycott apartheid sports, the national liberation movements and government representatives. The Conference was officially opened by the Prime Minister of Sweden and was addressed by the Chairman of the Special Committee against Apartheid and by the Director of the Centre against Apartheid. The discussions focused on two major topics, notably, assistance for the disadvantaged section of South African sport and countering apartheid propaganda: assessment of the isolation campaign and future strategy. A Declaration on International Action against Apartheid in Sports was adopted, which called for a continuation of the boycott of apartheid sports until the genuine representatives of the people of South Africa judge that the process of transition is both profound and irreversible, and formally called upon the international community to lift sanctions against South Africa in accordance with the United Nations Declaration. It urged sports bodies and sportspersons in South Africa to overcome all remaining difficulties so that they will soon be able to achieve united bodies for each sporting code without trace of racial segregation or discrimination in their constitutions or practices, and thereby lay the basis for a national non-racial sports federation encompassing all sportspersons in the country. It also appealed to all those of goodwill to consider ways in which assistance of appropriate kinds and at appropriate stages can be afforded to the sportsmen and women of South Africa in order to achieve the openness of competition and the equality of opportunity for which sport stands.

273. The Register of Sports Contacts with South Africa was released in June 1990, containing the names of 3,515 sportspersons from 57 different countries. The 1989 Register totalled 3,404 and the increase was due to a greater number of athletes competing in minor sports in South Africa, often for lucrative pay. Of these, 498 had participated in sports activities in South Africa in 1989, although most are not renowned. United States sportspersons constituted the highest number (1,029), followed by those from the United Kingdom (672). Since the Register was first issued in 1981, a total of 616 sportspersons have pledged not to participate in sporting activities in South Africa while the system of apartheid was still in place. Of these, 72 pledges were received between May 1989 and June 1990. 153/

274. The International Olympic Committee continued its efforts to isolate the apartheid régime in the field of sports. It announced that any athlete who competed in South Africa would be disqualified from taking part in the Olympic Games. Furthermore, the International Olympic Committee was instrumental in

obtaining the suspension of South Africa from activities of the International Tennis Federation. In that regard, the Special Committee commended the head of the International Olympic Committee for his unstinting and dynamic interaction with various national and international sports federations to pursue the policy of the International Olympic Committee against apartheid (see annex II to the present report, GA/AP 1946 of 24 October 1989).

275. The International Cricket Conference took measures to dissuade cricket players from taking part in sports events in South Africa. Since these measures were adopted, the Special Committee has received numerous requests for the deletion from the Register of Sports Contacts with South Africa of the names of cricket players who had previously participated in sports events in South Africa. After extensive consultations, it was agreed that the names of all cricket players participating in events in South Africa before 1 April 1990 would be deleted from the Register. However, the Special Committee reiterated that this was a "one-off" gesture to give recognition to the far-reaching effects of the resolution on South Africa which had been adopted by the International Olympic Committee. Future deletions would have to comply with the policy of the Special Committee. The Special Committee agreed to give motorcyclists the same dispensation.

276. The International Motorcycling Federation decided to exclude South Africa from its membership and withdrew recognition from all competitions in South Africa. In a statement issued on 24 October 1989, the Special Committee stressed that those moves were taken to assist those sports organizations in their decision to establish a ban on sporting contacts with South Africa, including disciplinary action to be imposed on those athletes who violated the ban in the future. However, if athletes whose names were originally in the Register and were later deleted engaged in any sporting activities in South Africa, their names would be reinstated, would be considered as "renegade" and would not be deleted, even if they pledged not to engage in any future sporting activities in South Africa (see annex II, GA/AP 1946 of 24 October 1989).

277. The European Professional Golfers Association warned its members that they would be barred from tournaments in Sweden if they competed in South Africa after 19 September 1989. In a statement issued on 24 September 1989, the Special Committee congratulated the Swedish Sports Confederation for persevering with the sports boycott against apartheid and for persuading the European Professional Golfers Association to accept its policy. However, the Special Committee could not delete the names of all golfers from the Register until a common international position was adopted or unless a golfer whose name was included in the Register sent a written pledge to the Special Committee stating that he or she would not compete in South Africa while the system of apartheid prevailed in that country (see annex II, GA/AP 1946 of 24 October 1989).

278. In spite of the positive moves taken by individuals and international sports bodies to support the sports boycott, a number of sportspersons and athletic teams decided to compete in South Africa. An international outrage ensued when a British rebel cricket tour, led by professional cricket player Mike Gatting, ignored all efforts to persuade him and his team to cancel their proposed cricket tour of South Africa. The tour, which took place in January 1990, was described as a violation of the United Nations moratorium on sports tours to South Africa, a contradiction of the world-wide apartheid campaign and a defiance of the Gleneagles Agreement. The team was met by a well-organized protest campaign that was led by the National Sports Congress of South Africa (NSC). NSC officials declared the

rebel cricket players had clearly not understood the depth of feeling among black South Africans against the tour. 154/ Owing to the protests, the tour was interrupted and it was later announced that the proposed follow-up tour had been cancelled. 155/ Efforts are now under way by the South African Cricket Union governing body to initiate talks with the NSC concerning the establishment of a single cricket organization in South Africa. 156/ That initiative added to ongoing efforts to create a non-racial, democratic and mass-based sports movement in the country. In July 1990, the South African Schools' Sports Congress tournament took place at Port Elizabeth. Participants in the tournament agreed that the struggle for the creation of non-racial sports structures should be combined with the struggle for a single, non-racial education system.

279. It was reported that a Hungarian indoor soccer team had competed in South Africa against local teams. As a result of this competition, the relevant sports authorities in Hungary banned those players from outdoor soccer for 10 years. 157/ It was also reported that South African sportsman Peter Lindenberg participated in the World Power-boating Championship, held at Budapest in August 1990. He was the first South African to compete in Eastern Europe in the past years. 158/

V. REVIEW OF THE WORK OF THE SPECIAL COMMITTEE

280. The Special Committee against Apartheid initiated proposals to the General Assembly on its policies towards South Africa, which were reflected in resolutions adopted in 1989 and 1990, as well as in the Declaration on Apartheid and its Destructive Consequences in Southern Africa. It continued to monitor and analyse the important developments taking place in South Africa and the response of the international community. In promoting the maintenance of pressure on the régime, the Special Committee focused on activities that could have potential for influencing decision-making. It gave special emphasis to carefully targeted action against apartheid and to the promotion of a peaceful solution of the conflict in South Africa through negotiations. The Special Committee organized, sponsored and co-sponsored conferences, seminars and other meetings, promoted contacts with opponents of apartheid and assisted, within its means, the anti-apartheid movements both within and outside South Africa.

A. Resolutions adopted by the General Assembly on the agenda item entitled "Policies of apartheid of the Government of South Africa"

1. Resolutions adopted by the General Assembly at its forty-fourth session

281. On 28 September 1989, the General Assembly adopted its first resolution of the forty-fourth session (resolution 44/1) entitled "Death sentence passed on a South African patriot" by 149 votes with two abstentions. In spite of the call by the Assembly to commute the death sentence of Mangena Jeffrey Boesman, a member of ANC, the South African authorities carried out the execution.

282. During eight plenary meetings, between 7 and 22 November 1989, the General Assembly considered agenda item 28 entitled, "Policies of apartheid of the Government of South Africa". Based to a large extent on recommendations made by the Special Committee, the Assembly, on 22 November 1989, adopted the following 12 resolutions (44/27 A to L) relating to various aspects of apartheid: "International solidarity with the liberation struggle in South Africa"; "International support for the eradication of apartheid in South Africa through genuine negotiations"; "Comprehensive and mandatory sanctions against the racist régime of South Africa"; "Imposition, co-ordination and strict monitoring of measures against racist South Africa"; "International financial pressure on the apartheid economy of South Africa"; "Relations between South Africa and Israel"; "Programme of Work of the Special Committee against Apartheid"; "Oil embargo against South Africa"; "Military collaboration with South Africa"; "United Nations Trust Fund for South Africa"; "Concerted international action for the elimination of apartheid"; and "Support for the work of the Commission against Apartheid in Sports".

283. For the first time a substantive resolution on apartheid proposed by the Special Committee was adopted by consensus, namely, General Assembly resolution 44/27 B, which called on Pretoria to take a number of steps necessary for the creation of a climate conducive to negotiations.

284. The resolutions obtained virtually the same or even stronger support as that of the previous year. Notably, General Assembly resolution 44/27 G, for the first time, did not receive any negative votes; in addition, resolutions 44/27 B and 44/27 J were adopted by consensus. In expressing their support for certain resolutions, several Member States noted their appreciation for the brevity and precision of the drafts.

2. Sixteenth special session of the General Assembly on apartheid and its destructive consequences in southern Africa

285. The sixteenth special session on apartheid and its destructive consequences in southern Africa took place at United Nations Headquarters, New York, from 12 to 14 December 1989.

286. On 12 December 1989, in accordance with decision 44/408 of 13 November 1989, the General Assembly established an Ad Hoc Committee of the Whole of the Sixteenth Special Session for the consideration of the question of apartheid and its destructive consequences in southern Africa. The Ad Hoc Committee, chaired by the Ambassador of New Zealand, Dame Ann Hercus, had before it a draft declaration, which had been submitted by the Bureau of the Special Committee against Apartheid following consultations with the front-line States. The Ad Hoc Committee also heard 19 representatives of non-governmental organizations and individuals on the subject concerned.

287. During six plenary sessions, the plenary session of the General Assembly was addressed by 121 delegations. On 14 December 1989, following intensive negotiations, the Chairperson of the Ad Hoc Committee presented a consensus draft declaration for adoption by the plenary of the General Assembly. The Declaration was adopted by the General Assembly by consensus (Assembly resolution S-16/1, annex).

288. With the adoption of the Declaration, the General Assembly reiterated the high priority it placed on the elimination of apartheid. The international community, for the first time, and with one voice, laid down what in its view should be the essential elements of a united, non-racial and democratic South Africa and endorsed a process of negotiations towards that end. The Declaration provides the international community with a yardstick with which both the actions of the South African régime and of the international community may be assessed. It expresses clearly that any relaxation of sanctions or similar measures would be premature unless there is clear evidence of profound and irreversible change in South Africa.

3. Resumed forty-fourth session of the General Assembly

289. On 20 July 1990, the General Assembly resumed its forty-fourth session to consider the report of the Secretary-General (A/44/960) on the progress made in the implementation of the Declaration on Apartheid and its Destructive Consequences in Southern Africa. In order to allow time for delegations to study the report and to carry out necessary consultations, the Assembly decided to reconvene the session from 12 to 17 September 1990.

290. On 24 July 1990, the Acting Chairman of the Special Committee, in an official statement, welcomed the report of the Secretary-General and agreed that, although the process of change in South Africa had started, it was still at a preliminary stage. Normal political activity continued to be hindered by the provisions of repressive legislation; required measures had been implemented only partially. In view of those developments, the Special Committee urged the international community to continue exerting pressure on South Africa to effect the end of apartheid.

291. From 12 to 17 September 1990, the General Assembly, at its resumed session, considered the report of the Secretary-General. The Assembly was addressed by 40 delegations in four plenary meetings. On 17 September 1990, the Assembly adopted resolution 44/244 entitled "Policies of apartheid of the Government of South Africa" by consensus. Prior to the resumed session, at the request of the Chairman of the Special Committee against Apartheid, the Special Political Committee was convened on 11 September 1990 to hear non-governmental organizations and individuals having a special interest on the question of apartheid. 159/

292. In the consensus resolution, Member States called upon South Africa to establish a climate fully conducive to negotiations by taking the steps stipulated in the Declaration. They also called upon them to take urgent action to end the current violence in South Africa, welcomed the talks between the régime and ANC, and commended ANC for initiating them and suspending its armed struggle. Finally, they called for the provision of assistance for the re-establishment of previously banned organizations, for the reintegration of released political prisoners and for assistance in the voluntary repatriation of South African refugees and political exiles. The Secretary-General was requested to submit by 30 June 1991 a report on further progress made in the implementation of the Declaration to the General Assembly at its forty-fifth session.

B. Activities of the Special Committee in support of the anti-apartheid resistance in South Africa

293. The Special Committee continued to monitor closely the situation in South Africa and reacted through public statements to a number of developments in the country. The mission to southern Africa by the delegation of the Support Group of Eminent Women sought to publicize the situation of women and children refugees and to promote international assistance for them. A number of meetings and consultations with South Africans, including the Deputy President of ANC, Mr. Nelson Mandela, gave an opportunity to the Special Committee to share insights with other Member States representatives on the significant developments in South Africa. In assessing some of the positive changes that were introduced by the South African authorities, the Special Committee bore in mind the goalposts established by the United Nations Declaration.

1. Actions related to political developments in South Africa

294. On 5 September 1989, the Chairman of the Special Committee criticized the régime's repressive measures against several leaders and offices of COSATU and the arrest of South African religious leaders on the eve of the racially segregated elections on 6 September 1989. On 22 September 1989, the Acting Chairman expressed concern at a ban on a peaceful march organized by Women against Repression in South Africa. Both actions manifested planned and co-ordinated attacks on the Mass

Democratic Movement (MDM) and were regarded as detrimental to the creation of conditions conducive to a climate for negotiations. On 9 November 1989, the Acting Chairman also criticized the threatened suspension by the régime of the publication of the South African newspaper New Nation.

295. On the subject of political prisoners and detainees, the Special Committee, on 20 September 1989, appealed to the international community and, in particular, to the media, to take appropriate action and demand the immediate release of journalists arrested for participating in and covering peaceful demonstrations on the eve of the September elections. On 26 September 1989, the Acting Chairman, urgently called upon the international community to step up efforts to save the life of Mangena Jeffrey Boesman and all other political prisoners on death row. Asserting that further death sentences and executions would have adverse consequences on the search for a peaceful resolution of the South African situation, the Acting Chairman again demanded the release of all political prisoners and detainees. On 16 October 1989, the Special Committee welcomed the release of Walter Sisulu, Ahmed Kathrada, Jafta Masemola, Raymond Mhlaba, Wilton Mkwayi, Andrew Mlangeni, Elias Motsoaledi and Oscar Mpetha after their long years of imprisonment. On 15 December 1989, the Acting Chairman congratulated Moses Chikane, Patrick Lekota and Popo Molefe for their release from apartheid prisons. In February 1990, the Special Committee celebrated the release of Nelson Mandela.

296. On 12 January 1990, the Acting Chairman denounced killings of and violence against black workers on strike against the State-owned South African Transport Services and reiterated the Special Committee's support to the struggle for trade union rights. Again, on 28 March 1990, the Special Committee condemned the use of violence by the South African police during a peaceful march against high rents and racially segregated housing in the township of Sebokeng. On the occasion of the commemoration of May Day, the Special Committee saluted COSATU and NACTU for their consistent defence of South African workers' rights and their uncompromising stand against apartheid.

297. On 19 April 1990, the Special Committee deplored the tragic death of PAC leader Jafta Masemola and expressed its condolences to the organization and his family. On 30 July 1990, the Chairman expressed the serious concern of the Special Committee at the arrest of a senior member of the National Executive Committee of ANC and member of the Central Committee of the SACP, Sathyandranath (Mac) Maharaj, under Section 29 of the Internal Security Act. In the view of the Special Committee, his detention showed once more that an atmosphere of free political activity did not exist in South Africa. In spite of this repressive action, the Special Committee hoped that the process of negotiations would not be derailed.

298. In a statement made on 31 August 1990, the Chairman expressed the Special Committee's deep concern at the continuing violence in the townships. In the light of the seriousness of those developments, the Special Committee considered it imperative that the authorities adopt effective measures to ensure the impartiality of the police. The Special Committee also appealed to the parties concerned to seek mechanisms aimed at stopping the senseless violence and at enhancing the possibilities for national reconciliation.

299. On two occasions the Chairman and the Acting Chairman welcomed positive measures taken by the South African authorities, which would assist in the process of creating an appropriate climate for negotiations. On 2 February 1990, the

Special Committee welcomed the lifting of the ban on ANC, PAC, SACP and other anti-apartheid organizations; the release of certain political prisoners; the suspension of the imposition of the death penalty; and the relaxation of certain media restrictions. The Special Committee also recognized with satisfaction the announcement of the imminent release of Nelson Mandela. On 8 June 1990, the Special Committee welcomed the decision to lift partially the four-year-old state of emergency in South Africa. While commending these measures, the Special Committee expressed its concern that, even without draconian emergency regulations, the mechanisms to stifle peaceful protest and dissent were still in place. The Special Committee expressed its view that the positive measures should not in any way justify or lead to a premature and hasty relaxation of existing restrictions against South Africa by any State or group of States as long as the system of apartheid remains intact.

2. Mission to southern Africa by a delegation of the Support Group of Eminent Women

300. In pursuance of a decision by the Special Committee, a mission was undertaken to assess the needs of South African and Namibian refugee women and children. In co-ordination with the Office of the United Nations High Commissioner for Refugees (UNHCR), the delegation, led by Mrs. Lisbeth Palme, chairperson of the Swedish National Committee on the United Nations Children's Fund (UNICEF), visited refugee areas in Zimbabwe, Zambia and Namibia from 19 to 29 November 1989. It received first-hand reports from refugees and Namibian returnees about their special needs and held discussions with representatives of international agencies and non-governmental organizations involved in assistance programmes for refugees. Consultations were held with representatives of the national liberation movements, specifically with the women's sections of the organizations. In the course of the mission, the delegation also met with Mr. Kenneth Kaunda, President of Zambia; Mr. Sam Nujoma, President of SWAPO, and Mrs. Sally Mugabe, Executive Chairperson of the Zimbabwe Child Survival Development Foundation.

301. At the end of the mission, the delegation submitted a report to the Special Committee containing recommendations regarding the needs of women and children refugees, which were addressed to the United Nations, intergovernmental organizations, host Governments and donors as well as to non-governmental agencies. 160/ It was recommended that the international community respond with greater efforts to the situation of long-term refugees who require developmental assistance beyond resources available to UNHCR. Refugee assistance programmes have to address the needs and resources of the target population and the specific needs of women and children. Specific programmes should be established to address the psychological traumas and social problems faced by children in refugee areas. It was further recommended that United Nations agencies and non-governmental organizations co-ordinate closely their activities and that adequate financing be allotted to development programmes to ensure that refugee women become and remain self-sufficient. Special recommendations were made concerning Namibia. The findings of the mission were transmitted by the head of the delegation to the Ad Hoc Committee of the Whole of the Sixteenth Special Session of the General Assembly.

3. Special meetings and consultations with anti-apartheid opponents

302. The Special Committee held special meetings and consultations with anti-apartheid opponents to welcome positive developments in the struggle against apartheid, to exchange views on particular aspects of the situation in South Africa and to develop initiatives to strengthen the international campaign against apartheid.

(a) Special meetings in honour of Nelson Mandela

303. Upon the release on 11 February 1990 of Nelson Mandela, the Special Committee welcomed that historic occasion as an encouraging step towards the establishment of a climate conducive to negotiations. The Acting Chairman made a statement on the release and sent a congratulatory message to Nelson Mandela. The Special Committee convened a commemoration meeting on 16 February 1990 to mark his release. The meeting was addressed by the Secretary-General, the President of the General Assembly, representatives of OAU, the regional groups of States, and the national liberation movements. Patrick Lekota, representative of UDF, participated in the meeting as a special guest.

304. On 22 June 1990, the Special Committee held a special meeting to welcome Nelson Mandela at the United Nations. Following meetings with the Secretary-General and the President of the General Assembly, the Chairman and members of the Special Committee against Apartheid and the Assistant Secretary-General, Director of the Centre against Apartheid, an address was given by Nelson Mandela before representatives of Member States, observers, special guests, representatives of non-governmental organizations and other invitees. Among the participants were Mario M. Cuomo, Governor of New York; Congressman Bill Green; David Dinkins, Mayor of New York City; Harry Belafonte, Joseph Papp, Jose Sulaiman, Mike Tyson, "Sugar" Ray Leonard, Joe Frazier and other well-known and prominent personalities from academic, cultural, sports, religious and other circles, as well as anti-apartheid activists. Statements were also made by the Secretary-General, the President of the General Assembly, the President of the Security Council and the Governor of New York. The meeting was also addressed by representatives of the chairmen of the Conference of Non-Aligned Countries and OAU, as well as by the chairmen of the regional groups of States.

(b) Other meetings and consultations

305. On 13 November 1989, the Special Committee held a meeting of consultations with the World Boxing Council on the boycott of apartheid in sports. The President of the World Boxing Council, Jose Sulaiman, informed the Special Committee that the Council's Executive Board had declared 1990 a special Year against Racial Discrimination. Nelson Mandela was conferred the Human Equality Award of the World Boxing Council, which was accepted on his behalf by Thabo Mbeki, Director of International Affairs of ANC. The President of the General Assembly, the Secretary-General, the Acting Chairman of the Special Committee and the Chairman of the Commission against Apartheid in Sports were presented with honorary plaques on this occasion.

306. On 14 November 1989, the Special Committee held a meeting in honour of the one hundredth birthday of Pandit Jawaharlal Nehru of India. He was eulogized not only as a distinguished statesman, a visionary leader and father of the Movement of

Non-Aligned Countries, but also as a staunch supporter of the international campaign against apartheid. Statements were made by the President of the General Assembly, representatives of the regional groups of States, of the national liberation movements and by the Permanent Representative of India to the United Nations.

307. On 8 May 1990, the Special Committee held consultations with four leading theologians from South Africa on the role of religious leaders in the struggle against apartheid, theology of liberation and the changes taking place in South Africa at the present time. The theologians: Father Smangaliso Mkhatshwa, Secretary-General of the Institute for Contextual Theology in South Africa; Father Albert Nolan, Nomvula Mokonyane and Professor Charles Villa-Vicencio made statements addressing different aspects of the situation in South Africa and responded to specific questions from members of the Special Committee. It was specifically stressed that recent changes in South Africa should not be used as an excuse for easing pressure on the régime.

(c) Observance of international days of solidarity

308. On the Day of Solidarity with South African Political Prisoners (11 October 1989), the Special Committee held a meeting that was addressed by the Secretary-General, as well as by the President of the General Assembly, Major-General Joseph N. Garba and the President of the Security Council. Guest speakers were Mr. George Bizos, member of the National Council of the Lawyers' Committee for Human Rights of South Africa and member of the Johannesburg bar; Mr. Raymond Suttner, senior lecturer in law at the University of Witwatersgrand of South Africa, and Mr. Rapu Molekane, General-Secretary of the South African Youth Congress. On the International Day for the Elimination of Racial Discrimination (21 March 1990), the Special Committee gave emphasis to the positive developments in southern Africa. The independence of Namibia was welcomed and hope was expressed for the fulfilment of the aspirations of the people of South Africa for a free, non-racial and democratic society. Messages were read out from the Secretary-General and the President of the General Assembly. The President of the Security Council addressed the meeting. For the first time the South African authorities sent a message to the Special Committee on the occasion of the International Day. On the International Day of Solidarity with the Struggling People of South Africa (16 June 1990), the Special Committee held a meeting which was addressed by the President of the Security Council. The need to maintain and intensify economic sanctions against South Africa as a means of bringing about the dismantling of the apartheid system was stressed.

309. On the International Day of Solidarity with the Struggle of Women in South Africa (9 August 1990), the Special Committee held a meeting at which messages from the Secretary-General and from the Chairman of OAU were read out. Mrs. Lucille Mair, Minister of State of Jamaica; Mrs. Thutukile Eileen Benghu, National Human Rights Co-ordinator of the Young Women's Christian Association and member of the Women's League of ANC; and Mrs. Elizabeth Rejoice Sibeko, Secretary for Women and Children's Affairs of PAC, addressed the meeting as special guests. In face of the new developments in South Africa, the hope and determination was expressed that women's legitimate expectations would be fulfilled, that their role in society would be fully recovered and that their equality would be guaranteed.

C. Actions of the Special Committee relating to the observance of United Nations resolutions on apartheid

310. The Special Committee continued its efforts to persuade Governments not to relax existing pressure on the apartheid régime, as called for in the United Nations Declaration. On a number of occasions, it brought information concerning acts of collaboration to the attention of Governments. While on several occasions the Special Committee expressed appreciation to Governments for strengthening anti-apartheid action, it also characterized any relaxation of existing measures as entirely premature. Reacting to signs of increasing economic ties by a number of Far Eastern countries with South Africa, the Special Committee organized a seminar in Tokyo on East Asian Action against Apartheid.

1. Regional Seminar on East Asian Action against Apartheid

311. The seminar was organized in accordance with paragraph 2 of General Assembly resolution 43/50 F of 5 December 1988, and was held at Tokyo from 23 to 25 January 1990. The seminar was attended by special guests, representatives of international and national non-governmental organizations, representatives of Governments, of the national liberation movements of South Africa, as well as by parliamentarians, academics, trade unionists and religious individuals from Japan. Representatives of national media and business organizations were observers at the seminar. The delegation of the Special Committee was led by the Chairman of its Sub-Committee on the Implementation of United Nations Resolutions and Collaboration with South Africa, Ambassador Victor Gbeho (Ghana), who opened the seminar. Mr. Ngobi Tanaka, Parliamentary Vice-Minister for Foreign Affairs of Japan, addressed the seminar on behalf of the Government of Japan. Statements were also made by Mr. David Lange, Attorney-General and former Prime Minister of New Zealand; Ambassador Nana S. Sutresna (Indonesia) on behalf of ASEAN countries; Mr. Akira Yamagishi, President of the Japanese Confederation of Trade Unions; Dr. Alexander Boraine, Executive Director of the Institute for a Democratic Alternative for South Africa; Walter McLean, Member of Parliament, House of Commons, Canada; and Archbishop Trevor Huddleston, President of the British Anti-Apartheid Movement.

312. At its concluding session, the seminar adopted an appeal for action urging the international community, particularly the countries of Eastern Asia, to take individual or collective measures in support of the fundamental principles and guidelines contained in the United Nations Declaration. Governments of the East Asian region were called upon to maintain existing economic and other forms of pressure on Pretoria, to ensure the strict observance of the mandatory arms embargo and to restrict or ban any form of military or nuclear collaboration. They were also called upon to impose embargoes on the supply of all products, in particular computer and communication equipment, technologies, skills and services, including military intelligence that can be used for the military and nuclear industry of South Africa. Furthermore, the appeal called for the imposition of embargoes on the supply of oil and petroleum products and oil technology and the prohibition of the import of coal, gold, other minerals and agricultural products from South Africa. Transnational corporations, banks and financial institutions were encouraged to withdraw effectively from South Africa. The appeal also included a call for greater assistance and support to the struggling people of South Africa and their national liberation movements. 161/

2. Political and diplomatic relations

313. On 8 January 1990, the Acting Chairman of the Special Committee sent a letter to the Permanent Representative of Hungary to the United Nations drawing attention to reports of an official visit to Hungary by Mr. Roelof Botha, Foreign Minister of South Africa. According to those reports, the two countries were moving towards the establishment of diplomatic relations. It was further reported that such issues as landing rights for South African Airways, access to South African mining technology and the increase of commercial, academic and tourist contacts had been discussed. The Chairman expressed the concern of the Special Committee on the matter particularly because Hungary had been one of the Special Committee's founding members. On 5 April 1990, the Chairman again brought the matter to the attention of the Permanent Representative of Hungary following another press report on the alleged establishment of "permanent missions in each other's capitals". In its reply, the Government of Hungary stated that its position "concerning the struggle against apartheid has not changed. As a founding member of the Special Committee against Apartheid, Hungary takes a resolute stand against all forms of racial discrimination and condemns the inhuman system of apartheid". It further stated that "the establishment of diplomatic relations between the two countries was not on the agenda of the discussions with the Foreign Minister of South Africa, and no agreement was reached on this issue or on any other subject". The Hungarian Government declared also its readiness "to maintain a dialogue while fully upholding its commitment to contribute to the abolition of the apartheid system". A press release issued by the Hungarian Ministry of Foreign Affairs on the visit of Roelof Botha to Hungary was attached to the reply. The Hungarian delegation also addressed the issue during official meetings of the Special Committee (see sect. III A1 to the present report).

314. On 6 February 1990, the Acting Chairman sent a letter to the Permanent Representative of Argentina to the United Nations drawing attention to reports that his Government planned to upgrade the level of its relations with the Government of South Africa in view of "perceived progress" made by South Africa in abolishing the apartheid system. In its reply, the Government of Argentina informed the Special Committee that it "scrupulously implements the world body's decisions concerning the policy of apartheid ... because the policy in question violates the most fundamental moral principles of the Argentinian people". It stated that the Government of Argentina "does not maintain diplomatic relations with the South African Government", and reaffirmed its support for the elimination of apartheid.

315. On 9 May 1990, the Chairman, in a public statement, expressed the Special Committee's concern on the announced visits by South Africa's President to France, the United Kingdom, Belgium, the Federal Republic of Germany, Greece, Italy, Switzerland, Spain and Portugal. The visits may be used by Pretoria as manifestation of, and an instrument for, the relaxation of pressures against apartheid. Such action threatened to undermine the international consensus achieved through the United Nations Declaration. The Special Committee noted with satisfaction that the Government of the Netherlands considered the visit as premature. It expressed the view that acts of encouraging South Africa's positive steps should be balanced against the impression that was given by the respective Governments, officially receiving the head of an unacceptable régime, and further, pointed to the dangerous repercussions that may stem from such an impression (see sect. IV D to the present report).

316. On 9 May 1990, the Acting Chairman also sent a letter to the Permanent Representative of Denmark to the United Nations drawing attention to the fact that Denmark and South Africa have agreed to re-establish diplomatic relations at ambassadorial level. In its reply, the Government of Denmark pointed out that "[Denmark] has never severed its diplomatic relations with South Africa entirely". The closing of its diplomatic mission in South Africa in 1985 had placed Denmark at an "increasing disadvantage with respect to collecting first-hand information about developments in South Africa and applying diplomatic pressure on the South African Government". Further, "... the decision by the ANC to move its headquarters to Johannesburg made it indispensable for Denmark to re-establish a diplomatic presence in South Africa with a view to pursuing a high level dialogue with the organization". The step "does not entail any change in our general policy towards South Africa. The objective of the Danish policy is still the complete abolition of apartheid in South Africa by peaceful means". The Danish Government further indicated that it will maintain its pressure on South Africa, "including by way of far-reaching economic and other sanctions ... until there is clear evidence of profound and irreversible change".

317. On 20 July 1990, the Acting Chairman sent a letter to the Permanent Representative of Mauritius to the United Nations drawing attention to reports that the South African Minister of Home Affairs had announced a waiver of visa requirements for Mauritian passport holders on limited holiday or business visits to South Africa in order to stimulate trade and tourism from Mauritius to South Africa. On 13 September 1990, in another letter by the Chairman, the Special Committee drew attention to the fact that Mauritius was opening an office to promote trade with South Africa. On both occasions, the Permanent Representative was requested to convey the information and the concerns of the Special Committee to his Government, as well as to communicate to the Committee its position on the matter. In a reply of 3 October 1990, the Government of Mauritius explained that it "was in no way instrumental to the decision taken by the South African Government". The Special Committee was further informed "that Mauritius is a democratic country and that Mauritians are free to travel anywhere. As such the Mauritius Government does not need to encourage Mauritians to visit South Africa or any other country in any part of the world". Stating that "the situation in South Africa is evolving positively" and that Mauritius will not have a diplomatic representation in South Africa, the Government confirmed the opening of a South African trade office in Mauritius. The Government of Mauritius explained that the ANC representatives "were not against the steps taken" (see sect. III A to the present report).

3. Military and nuclear collaboration

318. On 22 November 1989, the Acting Chairman of the Special Committee referred to press reports concerning the collaboration between Israel and South Africa on medium-range missile development projects. Following reports on the subject in the "Nightly News" programme of the United States television network NBC, on 25 October 1989, the Special Committee expressed its grave concern over such collaboration. It urged the international community to support effective international action against all military collaboration with the apartheid régime. On 14 March 1990, the Special Committee considered the relationship between Israel and South Africa during an official meeting. In considering information on Israeli-South African collaboration, particular attention was given to collaboration on military matters. The main statement of the meeting, given by the

representative of the Syrian Arab Republic, was published as an official document of the Special Committee. 162/

319. On 23 March 1990, the Acting Chairman of the Special Committee sent a letter to the Permanent Representative of Chile to the United Nations drawing attention to information on the scheduled participation of South Africa in the International Air and Space Fair (FIDAE) 1990 and on the intention of Industrias Cardoen of Chile to exhibit and promote South African G5 and G6 155 mm-howitzer systems at the Fair. The Special Committee appealed to the Chilean Government to prevent the participation of South Africa in FIDAE 1990; to end all military co-operation with South Africa and, in particular, to end arms production arrangements between Industrias Cardoen and ARMSCOR. In a reply, the Chilean Government confirmed that "South Africa has not been invited to participate at FIDAE 1990 and that Cardoen of Chile is neither exhibiting nor promoting a South African G5 and G6 155 mm-howitzer system at FIDAE". On 25 April 1990, the Chairman again sent a letter on the subject following receipt of further information on the respective ARMSCOR-Cardoen collaboration. In a letter of 30 July 1990, the Special Committee was informed that the Government of Chile will terminate contracts for the maintenance of Chilean war matériel, which had been agreed upon by the previous Government of Chile and South Africa. Those contracts will not be renewed when they expire at the beginning of 1991. The Government will also take appropriate measures to prevent the Cardoen company from importing weapons, parts or pieces from South Africa, and "the authorization needed for the export of weapons contracted with South African parts will not be granted ...". The Special Committee was informed that the agreements between the Chilean firm ASMAR and the South African Shipyard enterprise SANDOCK AUSTRAL had been dissolved and that South Africa would not be invited to any future fairs and shows of the nature of FIDAE. The letter further said that "the new Government of Chile has taken concrete steps to express its firm position against apartheid and to avoid any violations of obligations under binding United Nations resolutions on the matter" (see sect. III C to the present report).

320. On 1 May 1990, the Chairman sent a letter to the Permanent Representative of the Federal Republic of Germany to the United Nations requesting clarification and information on new developments in the "submarine blueprints affair". On 28 June 1990, the Special Committee received a copy of a letter from the Acting Permanent Representative to the Chairman of the Security Council Committee established by Council resolution 421 (1977). The letter informed the Special Committee that the Public Prosecutor's Office in Kiel had instituted formal proceedings against individuals from the firms of Howaldswerke/Deutsche Werft AG and Ingenieurknotor Lübeck, who were involved in the "blueprints affair", on the grounds of a possible offence under section 34 of the Foreign Trade and Payments Act. As part of the investigation, the Office had confiscated files seeking to establish "whether the illegal supply of blueprints secretly continued after its initial discovery in July 1985". The Special Committee was furthermore informed that the Public Prosecutor's Office would have to decide on formal charges. The letter also described the legal provisions as well as the amendments through June 1990, which support the United Nations arms embargo. The Federal Government of Germany emphasized that it takes the arms embargo very seriously and that it "will continue to do everything in its power to monitor and ensure compliance" with the embargo. It gave assurances that the competent German authorities are making intensive efforts "to fully clarify the blueprints affair", and that those responsible for the supply of the blueprints "are being prosecuted under the relevant legal provisions" (see sect. III C to the present report).

321. On 20 July 1990, a letter addressed to the Chairman of the Special Committee by the Minister of Foreign Affairs of Turkey was circulated to the members of the Committee. The letter concerned a resolution adopted by the Liberation Committee of OAU, and endorsed by Council of Ministers of OAU, condemning the military co-operation between South Africa and Turkey. In the letter, the Minister reiterated Turkey's "unambiguous stand in support of the United Nations Security Council resolution 558 (1984) on the arms embargo against South Africa". It should be recalled that Security Council resolution 558 (1984) of 13 December 1984 requested all States to refrain from importing arms, ammunition of all types and military vehicles produced in South Africa. 163/ In the light of Turkey's declared anti-apartheid policy, the Minister said that such a resolution was "not only misguided, unjustified and unfair but also ... aimed at damaging Turkey's relations with African countries". The Minister also made reference to a statement from the Ministry of Foreign Affairs of Turkey which emphasized that Turkey "has always opposed all kinds of racial segregation".

322. On 4 September 1990, the Acting Chairman sent a letter to the Permanent Representative of the United Arab Emirates to the United Nations drawing his attention to allegations that his country had purchased at least 50 units of the South African G6 self-propelled 155 mm artillery system, which had been delivered through Industrias Cardoen of Chile, and to plans to obtain the Valihiri rocket artillery system and the new Rooivalk attack helicopters from South Africa. The Permanent Representative was requested to convey the matter to the Government of the United Arab Emirates and to inform the Special Committee on action taken on the matter. In a reply, the Permanent Representative of the United Arab Emirates said "... that those allegations were false and far from the truth: the United Arab Emirates is fully committed, both in letter and spirit, to the resolutions on boycotting South Africa adopted by the Security Council and the General Assembly ..."

4. Economic and other forms of collaboration

323. On 26 October 1989, the Acting Chairman of the Special Committee in a public statement condemned the Third Interim Agreements between international banks and the apartheid régime, which provided for the repayment of $8 billion of South Africa's debt spread over a three-and-a-half-year period. The Special Committee considered the banks' decision as giving favourable treatment to South Africa and thereby undermining the international economic pressure on the régime. It again called on banks to terminate all financial links with public and private entities in South Africa until apartheid is abolished (see sect. III A2 to the present report).

324. On 22 January 1990, the Acting Chairman sent a letter to the Permanent Representative of Turkey to the United Nations drawing attention to a report that South Africa is using Turkey as a conduit for South African goods destined to other countries. Figures of the Istanbul Chamber of Commerce had shown that the trade between South Africa and Turkey had increased from $90 million in 1984 to $329 million in 1988 with South African exports representing most of this figure on a ratio of 13 to 1. The Government of Turkey was requested to inform the Special Committee on any action taken on the matter. So far, no reply has been received. 164/

325. On 24 January 1990, the Acting Chairman sent letters to the Regierende Bürgermeister of Berlin (West), Mr. Walter Momper, as well as to the organizer of the International Tourism Fair, the Aufsichtsrat der Ausstellungs-, Messe- und Kongress GmbH (AMK), concerning South Africa's participation in the Fair, which was scheduled to take place at the beginning of March 1990. Both were requested to take necessary measures in order to prevent South Africa's participation in the Fair and to inform the Special Committee thereof. In a reply, the Regierende Bürgermeister, through the Permanent Representative of the Federal Republic of Germany to the United Nations, regretted that it was not possible "to prevent the participation of exhibitors from South Africa in the International Tourism Fair (ITB) 1990". He informed the Special Committee on action taken and attached excerpts from his opening statement to the Fair denouncing apartheid as one of the "worst forms of organized discrimination and subjugation existing in the world". The Senate of Berlin (West) regretted that "the racist régime of South Africa has again been given the opportunity to present itself at the ITB Berlin". The Senate expressed the position that "public pressure will bring about a situation where the racist régime cannot present its view of South Africa unchallenged. Violations of human rights have to be met with our objection and our resistance everywhere in the world".

326. On 22 February 1990, the Chairman of the Special Committee called on the Government of the United Kingdom not to deviate from the international consensus on apartheid by a unilateral relaxation of a number of hitherto imposed restrictive measures, namely, the lifting of the cultural and academic boycott, of the ban on new investments in South Africa and of the tourism boycott.

327. On 27 April 1990, the Chairman sent a letter to the Permanent Representative of Madagascar to the United Nations drawing attention to reports that the President of Madagascar had announced that his country will restore air links and economic ties with South Africa in order to encourage South Africa's move away from apartheid. In its reply, the Government of Madagascar confirmed "its commitment to work with the international community for the purpose of eradicating the system of apartheid, so that South Africa might become a united, democratic and non-racial country" (see sect. III A1 to the present report).

328. On 5 June 1990, the Chairman of the Special Committee addressed letters to the 12 States members of the European Community following the visit of the President of South Africa to some of their capitals and the reported intention of several of those countries to reconsider measures taken against South Africa. He expressed again the concern of the Special Committee that it is premature for any State or any group of States to take steps to relax existing measures until all the conditions set out in the United Nations Declaration are met. The Permanent Representatives of Belgium, Denmark, the Federal Republic of Germany, France, Greece, Italy, Ireland, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom were requested to convey the Special Committee's concerns to their Governments (see sect. IV D to the present report).

329. In July 1990, De Beers Centenary AG agreed to lend $US 1 billion to the Union of Soviet Socialist Republics/USSR's diamond industry. In an arrangement estimated to be worth $US 5 billion, the USSR's diamonds organization, notably Glavalmazzoloto, agreed to sell its rough uncut gem diamonds for the next five years exclusively through De Beers' Central Selling Organization in London. The deal, that represents the first direct arrangement between the two parties since 1963, will strengthen even more De Beers' control of the international rough

diamond market. 165/ In a letter, dated 10 August 1990, to the Permanent Representative of the Union of Soviet Socialist Republics (USSR) to the United Nations, the Chairman requested information on reports that the USSR has agreed to market its diamond production through the De Beers Corporation. In a reply, the Permanent Representative of the USSR informed the Special Committee that the "Soviet Foreign Trade Association Almazyuvelireksport has signed an agreement on the sale of Soviet diamonds with the Swiss company De Beers Centenary under the terms of which that company is granted the exclusive right to purchase specific amounts of Soviet diamonds over the next five years. Thus, there is no question of a transaction with a South African company. The fact that the company's name is associated with the name "De Beers" cannot be the basis for regarding that commercial transaction as contravening United Nations decisions ...", and the United Nations Declaration on Apartheid. Since the USSR was firmly opposed to the policy of apartheid in South Africa, it "observes the sanctions imposed by the United Nations, consistently supports efforts aimed at the speedy elimination of apartheid in South Africa and has no intention of abandoning this policy".

5. Sports contacts

330. The fourth International Conference against Apartheid in Sports, which was organized by the Special Committee in co-operation with the Swedish Sports Federation, the Swedish National Olympic Committee (SANROC) and the International Campaign against Apartheid Sport, was held at the Foresta Conference Center, Stockholm (Sweden), from 4 to 6 September 1990. Presided over by Arne Ljungqvist of the Swedish Sports Confederation, the Conference focused on assistance for the disadvantaged section of South African sport and on action to counter apartheid propaganda, the assessment of the isolation campaign and a future strategy. The opening session was addressed by the President of the General Assembly, Major-General Joseph N. Garba; the President of the International Olympic Committee, Juan Antonio Samaranch; the Chairman of the Special Committee, Prof. Ibrahim Gambari (Nigeria); and the Chairman of the Commission against Apartheid in Sports, James Victor Gbeho. A Declaration was adopted by the Conference (see sect. IV H to the present report). 166/

331. On 28 September and 11 October 1989, the Chairman of the Sub-Committee on the Implementation of United Nations Resolutions and Collaboration with South Africa sent letters to the organizers of the Los Angeles Volvo Tennis Tournament through the Southern California Tennis Association to protest the participation of South African tennis players in the Tournament. The hope was expressed that they will not be allowed to perform in future tournaments until the system of apartheid is eliminated. The Chairman of the Special Committee, on 24 January 1990, repeated that appeal to the organizers of the Tournament in order to prevent South African tennis players' participation. No reply has been received.

332. In a public statement, on 24 October 1989, the Chairman of the Sub-Committee welcomed the decisions of sports organizations to intensify their campaigns against apartheid sports. It commended the announcement by the International Olympic Committee (IOC) that any athlete competing in South Africa would be disqualified from participation in the Olympic Games. It also commended the action of the International Olympic Committee to obtain the suspension of South Africa from the activities of the International Tennis Federation. The Special Committee was also pleased to note that the International Cricket Conference had taken measures to dissuade cricketers from taking part in sports events in South Africa. The Swedish

Sports Confederation was commended for persevering with the boycott campaign against apartheid, in particular for their contribution towards the exclusion of South Africa from the membership of the International Motorcycling Federation and for forcing the European Professional Golfers Association to accept the Sports Confederation's policy. The Special Committee expressed the hope that other international sports federations would encourage their affiliates to cease sports contacts with South Africa (see sect. IV H to the present report).

333. On 9 May 1990, the Acting Chairman sent a letter to the Permanent Representative of Hungary drawing attention to the fact that a Hungarian indoor soccer team had competed in South Africa in April 1990. The Government of Hungary was requested to ensure that no further sports contacts with South Africa would take place until the system of apartheid is dismantled. In a reply, the Hungarian Government informed the Special Committee that the tour "was completely a private initiative" and that "the players concerned have concealed their plans even from their own clubs". Since the participants belonged to the Hungarian Indoor Football Association, which was not officially registered, the players have not violated FIFA regulations or those of the Hungarian Football Association. The Hungarian Government, however, indicated that "they [the players] should not have played in South Africa". The Hungarian Football Association and other officials have "totally denounced the private action of the players who will be held responsible by their own clubs" (see sect. IV H to the present report.)

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334. On 9 November 1989, the Chairman of the Sub-Committee on the Implementation of United Nations Resolutions and Collaboration with South Africa addressed a letter to the New York-based Television Bureau of Advertising Inc. concerning information on the participation of the South African Broadcasting Corporation in one of the Bureau's meetings scheduled for November 1989. The Special Committee informed the organization that any association with the South African Broadcasting Corporation would be contrary to the international campaign to isolate South Africa. It appealed to the organizers to deny the application of the South African Broadcasting Corporation for membership in Television Bureau of Advertising Inc. and to terminate any further contact with that Corporation until apartheid has been abolished. No reply was received.

335. On different occasions, the Chairman of the Sub-Committee addressed letters to well-known artists regarding their intention to perform in South Africa and requesting them to reconsider their decisions. Such a letter was sent to Isaac Hayes, to the members of the Queen City Jazz Band, to Richie Cole and to Dr. Virginia J. Rittenhouse, Director of the Atlantic Union College of South Lancaster, Massachusetts. On 2 April 1990, the Chairman of the Sub-Committee also sent a letter to film director Woody Allen commending him for his strong and exemplary stand on the international campaign against apartheid (see sect. IV G to the present report).

336. On 21 February 1990, the International Civil Aviation Organization was commended by the Special Committee for the adoption of a resolution by the twenty-seventh session of its Assembly condemning the policies of apartheid and racial discrimination in South Africa. On the same date, the Chairman of the Sub-Committee sent a letter to the International Telecommunication Union (ITU) concerning reports that the "independent" bantustans of Transkei and Bophuthatswana

had been allocated independent telex numbers in accordance with an international numeration plan by the International Telegraph and Telephone Consultative Committee, which has advisory status in ITU. The Organization was requested to verify those reports. No response has yet been received.

D. Further actions to isolate apartheid South Africa

1. Consultations with non-governmental organizations and anti-apartheid movements

337. The Special Committee organized consultations with non-governmental organizations and anti-apartheid movements, which were held at the Palais des Nations, Geneva, on 18 and 19 October 1990. Anti-apartheid organizations from Europe and North America held discussions with the Special Committee and the Centre against Apartheid on strategy for future action. The consultations also heard special guests from South Africa.

338. In a final statement, the participants in the consultations expressed their full support for the United Nations Declaration and noted that, given the current developments in South Africa, the tasks of anti-apartheid movements were more challenging and complex than in the past. Grave concern was expressed at current attempts to relax sanctions. The participants agreed on a plan of action, focusing on the dissemination of information; on support for the creation of a climate of free political activity in South Africa and on the maintenance of sanctions and other measures to ensure the speedy end of apartheid.

2. Support of anti-apartheid activities, participation in meetings and other events

339. The Special Committee participated in, contributed to and sponsored conferences, seminars and other events. It also continued to support campaigns or projects of international and national non-governmental organizations and anti-apartheid groups in order to mobilize public opinion on apartheid and to strengthen solidarity with the liberation struggle in South Africa. Anti-apartheid activists from within and outside South Africa attended the conferences, seminars and other events.

340. The Special Committee supported and participated in the International Workshop on Sanctions organized by the Norwegian Council for Southern Africa, which was held at Oslo from 8 to 11 March 1990. Representatives from 18 anti-apartheid organizations assessed recent developments in South Africa and evaluated the international campaign for sanctions against Pretoria in the light of those developments. In a final declaration, adopted by consensus, the participants reaffirmed their support for the Mass Democratic Movement in South Africa and for sanctions until the people of South Africa have agreed to a democratic constitution.

341. The Special Committee co-operated again closely with the South African Peoples' Friendship Association of Albany, New York, in organizing the Third Seminar for Teachers on South Africa and Apartheid, which was held from 20 to 21 April 1990. The Seminar participants adopted a resolution in which, among other things, they reaffirmed the need to intensify, develop and sharpen the tools of

teaching on apartheid, as well as their resolve to support the eradication of apartheid and the establishment of a just system of government in South Africa.

342. The Special Committee supported and participated in a Conference for South African youth and students from the United States and Canada, which was held at Michigan State University in East Lansing, Michigan, from 10 to 13 August 1990. The conference, under the theme "Our Education in the Service of a Non-Racial and Democratic South Africa", brought together more than 360 South African youth and students of all races and different political persuasions. It was organized by the Youth Section of the ANC and the African Studies Center of Michigan State University. Among other things, the participants condemned mounting acts of violence against the South African people.

343. Other events which the Special Committee supported and/or participated in included the South Pacific Regional Conference against Apartheid for a Democratic South Africa, held at Sydney from 15 to 17 September 1989; the Sixth Meeting of Senior Officials of the AFRICA-Fund Committee, held at Lusaka, from 14 to 18 May 1990; and the international meetings in the framework of the Week of Solidarity with the People of Southern Africa, held in Moscow, from 22 to 27 May 1990.

344. In addition, the Special Committee undertook action to support projects of anti-apartheid movements and groups. It supported the Anti-Apartheid Beweging Nederland in its campaign to stop the rescheduling of loans to South Africa and its seminar on the involvement of Europeans in the South African Defence Force, which was held in October 1989. The Special Committee also supported the For Our Childrens' Sake Foundation, New York, in carrying out an Apartheid Awareness Contest in New York scheduled from December 1989 to May 1990. It supported the Malibongwe Foundation (Amsterdam), which organized a Conference on the Women's Struggle in South Africa. Furthermore, support was provided to the campaigns of the American Committee on Africa, the Washington Office on Africa, the Irish and Swiss Anti-Apartheid Movements, the Italian Anti-Apartheid Co-ordinating Committee and many other groups. These campaigns were aimed at building popular support for the struggle against apartheid, disseminating information on the situation in South Africa and strengthening the international anti-apartheid campaign. As in previous years, the Special Committee also supported projects carried out by the Shipping Research Bureau (Amsterdam) and by the End Loans to South Africa (London).

345. The Chairman and the Acting Chairman of the Special Committee transmitted messages of support and appreciation to intergovernmental, non-governmental and other organizations, anti-apartheid movements and groups that sponsored conferences, seminars and other events on the issue of apartheid. Among those were messages to the Non-Aligned Ministerial Conference on Women in Development, held at Havana, from 29 January to 1 February 1990; the Session of the World Peace Council, held at Athens, from 6 to 11 February 1990; and to the South Africa Week organised by the Southern Africa Coalition, in London. At the beginning of 1990, the Special Committee, through the Centre against Apartheid, communicated information on its activities and plans to 38 non-governmental organizations and anti-apartheid groups from 22 countries.

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342. The Special Committee supported and participated in a Conference for South African youth and students from the United States and Canada, which was held at Michigan State University in East Lansing, Michigan, from 10 to 13 August 1990. The conference, under the theme "Our Education in the Service of a Non-Racial and Democratic South Africa", brought together more than 360 South African youth and students of all races and different political persuasions. It was organized by the Youth Section of the ANC and the African Studies Center of Michigan State University. Among other things, the participants condemned mounting acts of violence against the South African people.

343. Other events which the Special Committee supported and/or participated in included the South Pacific Regional Conference against Apartheid for a Democratic South Africa, held at Sydney from 15 to 17 September 1989; the Sixth Meeting of Senior Officials of the AFRICA-Fund Committee, held at Lusaka, from 14 to 18 May 1990; and the international meetings in the framework of the Week of Solidarity with the People of Southern Africa, held in Moscow, from 22 to 27 May 1990.

344. In addition, the Special Committee undertook action to support projects of anti-apartheid movements and groups. It supported the Anti-Apartheid Beweging Nederland in its campaign to stop the rescheduling of loans to South Africa and its seminar on the involvement of Europeans in the South African Defence Force, which was held in October 1989. The Special Committee also supported the For Our Childrens' Sake Foundation, New York, in carrying out an Apartheid Awareness Contest in New York scheduled from December 1989 to May 1990. It supported the Malibongwe Foundation (Amsterdam), which organized a Conference on the Women's Struggle in South Africa. Furthermore, support was provided to the campaigns of the American Committee on Africa, the Washington Office on Africa, the Irish and Swiss Anti-Apartheid Movements, the Italian Anti-Apartheid Co-ordinating Committee and many other groups. These campaigns were aimed at building popular support for the struggle against apartheid, disseminating information on the situation in South Africa and strengthening the international anti-apartheid campaign. As in previous years, the Special Committee also supported projects carried out by the Shipping Research Bureau (Amsterdam) and by the End Loans to South Africa (London).

345. The Chairman and the Acting Chairman of the Special Committee transmitted messages of support and appreciation to intergovernmental, non-governmental and other organizations, anti-apartheid movements and groups that sponsored conferences, seminars and other events on the issue of apartheid. Among those were messages to the Non-Aligned Ministerial Conference on Women in Development, held at Havana, from 29 January to 1 February 1990; the Session of the World Peace Council, held at Athens, from 6 to 11 February 1990; and to the South Africa Week organized by the Southern Africa Coalition, in London. At the beginning of 1990, the Special Committee, through the Centre against Apartheid, communicated information on its activities and plans to 38 non-governmental organizations and anti-apartheid groups from 22 countries.

E. Missions of the Chairman of the Special Committee

346. On 21 March 1990, the Chairman participated in the independence celebrations of the Republic of Namibia at Windhoek. In a message to the President-Elect, Sam Nujoma, the Chairman, on behalf of the Special Committee, extended the warmest congratulations to the people of Namibia and welcomed the day, not only as a very significant passage in modern history but as a tribute to the valiant struggle of the Namibian people to attain their right to be free in the land of their birth.

347. On the occasion of the openings of the Travelling Exhibit on Apartheid South Africa, the Chairman of the Special Committee visited Spain and Germany in October 1990.

348. The Travelling Exhibit was prepared by the Centre against Apartheid and the Department of Public Information of the Secretariat, to serve as a focal point for information activities to be undertaken by the United Nations information centres in various cities of the world, particularly capitals of countries that maintain economic and other relations with South Africa. The Travelling Exhibit was shown earlier in 1989, in New York, Geneva, Paris and Brussels. In view of developments in South Africa, it was revised in the summer of 1990.

349. The Spanish version of the revised exhibit was shown in the Cultural Centre of the city of Madrid between 16 and 19 October 1990. It was opened on 16 October by the Chairman of the Special Committee and the Assistant Secretary-General and Director of the Centre against Apartheid, who also had meetings with high-level officials of the Foreign Ministry of Spain. Around the opening of the exhibit, the United Nations Information Centre of Madrid, in co-operation with the city of Madrid, organized three discussion panels on the situation in South Africa with the participation of Spanish parliamentarians, journalists and academics.

350. Similarly, a German version of the exhibit was opened at Frankfurt on 22 October by the Chairman of the Special Committee and the Assistant Secretary-General, as well as officials of the city of Frankfurt. Following the opening at Frankfurt, the Chairman of the Special Committee visited Bonn on 23 October to hold consultations with high-level officials of the Ministry of Foreign Affairs of Germany and members of the German Parliament. In his meetings, both in Spain and Germany, the Chairman stressed the need to maintain existing restrictive measures on South Africa as agreed in the consensus United Nations Declaration, and in the General Assembly resolution on apartheid adopted by consensus, in September 1990.

F. Co-operation with other United Nations bodies and other organizations

351. The Special Committee co-operated closely with other United Nations bodies concerned with South Africa. It continued to co-operate with the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa and the Commission against Apartheid in Sports. The Chairman consults frequently with the Chairman of the Intergovernmental Group and exchanges relevant information with the Group. During the period under review, consultations were held between the President of the Economic and Social Council and the Acting Chairman of the Special Committee. The Special Committee also continued to

co-operate with the ILO in the framework of the ILO Committee on Action against Apartheid.

352. The Special Committee co-operated with the Commission on Human Rights, particularly its Ad Hoc Working Group of Experts on Southern Africa. Co-operation also intensified with the Centre for Social Development and Humanitarian Affairs of the United Nations Office at Vienna, specifically its Division for the Advancement of Women.

353. OAU attended meetings of the Special Committee as an observer and its representatives addressed several meetings and conferences of the Special Committee. Likewise, the Special Committee was invited to all the meetings of OAU, including those of its Liberation Committee. The Special Committee continued to co-operate with the Movement of Non-Aligned Countries and with other intergovernmental, non-governmental and anti-apartheid organizations.

VI. CONCLUSIONS AND RECOMMENDATIONS

354. A process of change has been set in motion in South Africa. However, continued efforts are necessary to ensure the realization of the ultimate objective, namely the eradication of apartheid. It is hoped that the current talks between the South African authorities and ANC, would lead to the removal of obstacles to negotiations, and to the adoption of a new constitution that will guarantee the establishment of a democratic and non-racial society in South Africa. The combined effects of the internal resistance and external pressures have brought the ruling National Party to the realization that the system of apartheid is unworkable and that political change is necessary to lead the country out of international isolation and economic stagnation.

355. In that context, the adoption of the Declaration on Apartheid and its Destructive Consequences in Southern Africa (General Assembly resolution S-16/1, annex), was a substantive contribution to the evolving process of political change. The international community's consensus expressed in that Declaration has become the yardstick with which the actions of the South African authorities and members of the international community are being assessed. The United Nations Declaration outlined the five steps that Pretoria should undertake to create the necessary climate conducive to negotiations, and made suggestions regarding the process of negotiations and the principles on which a new constitution should be based.

356. The South African authorities declared, earlier this year, their intention to eradicate apartheid and start negotiations on a new constitution. The measures announced by President de Klerk so far, and the understandings reflected in the Groote Schuur and Pretoria Minutes, resulted in the undertaking of some of the necessary steps, while the others have been implemented only partially. To date, relatively few political prisoners have been released, only a handful of exiles have been allowed to return with indemnity, the Internal Security Act and other repressive legislation have not yet been repealed or even revised, troops move in and out of the townships, and some political trials are still under way. Thus, while President de Klerk made a significant break with the past by lifting the ban and restrictions on political organizations and persons, and by ending the state of emergency, a climate conducive to negotiations has not yet been fully established.

357. Furthermore, although the measures taken so far have allowed ANC and PAC, as well as other political groups and persons, to transform their activities and begin to organize openly, political activity has been seriously thwarted by the continuing restrictions imposed by the authorities and by the continuing violence of forces opposed to the democratic transformation of the country. The continuing violence by the extreme right and certain elements of the security forces, in addition to the violent disputes among political organizations, are contributing to the destabilization of communities. Violence is becoming a threat to the fragile process of negotiations and could lead to the creation of a permanent conflict, the consequences of which will be grave.

358. There is no doubt that the process of change that South Africa is entering into is complex. The South African society is one still inflicted by extreme economic and social disparities, fears and frustrations. The absence of free political expression has prevented the development of a peaceful, democratic

debate. Yet, it is fundamental that conditions for such a debate be created and that organizations be allowed the freedom to define further their political and economic programme for a post apartheid South Africa. In this context, the authorities in Pretoria have the responsibility to bring this violence to an end and to ensure that their security forces carry out their duties fairly and impartially.

359. It is disquieting, however, to see that the commitment of the new leadership in Pretoria is tempered by its apparent inability and/or reluctance to control those forces which draw their power from existing apartheid structures and oppose the current process of political change. The degree of commitment also appears to be influenced by political considerations involving the white electorate, and by attempts to keep economic power in the hands of the white minority through privatization and other means. It is also disturbing that the régime intends to remain in the "driver's seat" during the negotiating process. The National Party seems determined to continue ruling the country, steer the negotiations, and be a negotiating party, all at the same time. Against this background, it should be recalled that the United Nations Declaration calls for an agreement among the parties concerned on the mechanisms for the negotiations and on the role that the international community should play in the process.

360. It is also evident that the current process needs to be broadened to include all representative sectors of South African society. They should participate fully not only on matters related to the constitution, but should also be consulted on other crucial decisions, related to land issues and various social and economic programmes. The present glaring inequalities in wealth and income distribution, education, housing and health, mentioned also in the report of the Secretary-General (A/44/960 and Add.1-3), not only need to be addressed now but would also have to be dealt with by a future democratic government.

361. Beyond these measures, the fact remains that, in spite of some opening of political space, and the relaxation of press restrictions, an atmosphere free of violence, called for in the Declaration, has not yet been established in the country. ANC took the commendable step of suspending armed actions, and under the leadership of its Deputy President, fully engaged in pre-negotiation talks that have helped to improve the political climate in the country. The vision and perseverance of Mr. Nelson Mandela and of his organization have indeed been instrumental in promoting the present process of change in South Africa. Other parallel initiatives for consultations among churches, trade unions and business groups, local communities and other political and academic groups have also been helpful in promoting a climate of national reconciliation.

362. Under those circumstances, and taking into account that substantive negotiations have not yet started, it is obvious that the international community should maintain its vigilance and its pressure. In this context, the United Nations Declaration outlined a concrete programme of action for the international community. This programme is based on the belief that pressure should be maintained on South Africa, until there is clear evidence of profound and irreversible changes in the country, bearing in mind the objectives of the Declaration. Undoubtedly, the support of the international community for the anti-apartheid forces in South Africa is indispensable, even crucial, and premature relaxation would be detrimental to the process of change and, thus, to the peaceful future of the country.

363. The Special Committee against Apartheid notes that with few important exceptions, this international consensus has been maintained, and, on the whole, the international community has not relaxed pressures. However, some disturbing trends are emerging. Quarters which were supportive of the anti-apartheid struggle, and others, which were always reluctant to impose sanctions, now seek justifications to lift them, ostensibly in order to encourage the efforts of President de Klerk.

364. While the European Community, as a whole, has adhered to the programme of action, the United Kingdom has taken some steps towards relaxing its own measures, and, along with Portugal, is reportedly advocating the lifting of some restrictive measures by the Community. While Germany's 1/ trade with South Africa was reduced somewhat in 1989, it remains the first trading partner of South Africa, followed by Japan and Italy. It is noteworthy that, in 1989, Italy emerged as the leading customer of South Africa with a 27 per cent increase of imports from that country, predominantly in gold, representing at least one third of all South African gold exports.

365. Even more disquieting, is the establishment of diplomatic and trade links of certain African and Eastern European countries with South Africa, manifesting an effective turn about in their policies vis-à-vis South Africa. There is a perceived contradiction, on the one hand, between the vigorous condemnation of apartheid by these countries and, on the other hand, their practical conduct in respect of the isolation of the apartheid régime by the international community. Hungary, a founding member of the Special Committee, was the first Eastern European country to establish certain relations with South Africa, followed by Poland and Romania (see para. 166 of the present report). Certain African countries, such as the Côte d'Ivoire, Madagascar, Mauritius and Zaire, have recently established or strengthened relations with South Africa. Furthermore, the opening of air links with South Africa by Cote d'Ivoire, Madagascar, in addition to Spain, are a blow to the isolation front and will have important economic and psychological effects.

366. In the economic field, South Africa experienced a relief in its balance-of-payments pressure resulting from its indebtedness, partly by the Third Rescheduling Agreement and by the decision of some banks to convert their South African loans to the "exit option". In addition, as shown in the report of the Secretary-General, dated 18 October 1990, on international financial pressure on the apartheid economy of South Africa (A/45/539), it appears that trade credit agencies from Germany, the United Kingdom, France and Japan, have provided substantial financial relief to South Africa. Although such credits cannot serve as a satisfactory substitute for other capital inflows, which presently are meagre, they can provide some assistance to Pretoria in the management of its external account. In this regard, the Special Committee is concerned with the Article IV consultations, held on 10 October 1990, between the International Monetary Fund (IMF) executive directors and the South African authorities and expects that both the IMF and the World Bank will adhere to the international consensus.

367. The decrease in the number of withdrawals of transnational corporations from South Africa, and the maintenance of non-equity ties, which allows the continuation of the flow of technology to South Africa, is another source of concern. Partial disinvestments by transnational corporations have been criticized by South African trade unions and led them to organize campaigns for fair disinvestment procedures that entail negotiations between them and the disinvesting transnational corporations on the terms of disinvestment.

368. Continued violations of the oil embargo have also weakened the effect of sanctions in an area where South Africa is quite vulnerable. Even of greater concern to the international community should be the reported violations of the mandatory arms embargo which allow Pretoria to pursue its arms production and to export its armaments through third party States. While the new Government in Chile has taken steps to cut such links, the continued collaboration of Israel with South Africa, particularly in nuclear and missile technology, raises serious concern. In this context, it is disturbing that the United Nations mechanisms dealing with the mandatory arms embargo have not been as effective in the case of South Africa as have been in other recent cases.

369. Overall, it becomes clear that sanctions, in particular financial ones, have imposed serious constraints on the South African economy, primarily through the dearth of loans and capital for investment. In this respect, the report of the Secretary-General on measures to monitor sanctions (A/45/670), concludes that the rather weak co-ordination in the application of sanctions and the different approaches to their implementation among Governments, have created a number of loopholes that can and have been used to evade sanctions and reduce their effectiveness. This would seem to be true both for the national measures adopted by individual States and for the measures adopted jointly by a number of Governments. The Secretary-General further notes that the monitoring process would be greatly enhanced if all States adopted enforcement mechanisms to prevent the violations of those measures.

370. It is, nevertheless, clear that the authorities in South Africa have become keenly aware that sanctions have limited their available options. Thus, at this stage of the fragile process of negotiations, it is crucial that the consensus be upheld on maintaining pressure. Any departure from that consensus could set the process back with dire consequences. To the extent that negotiations for a new constitution are delayed, the forces opposed to the democratic transformation of the country, such as the Conservative Party and the extreme right, who draw supporters also from the security establishment, will find the space to organize further and undermine the current process. The pressure of sanctions should therefore continue to hasten Pretoria's move towards real negotiations and the subsequent adoption of a new constitution heralding the establishment of a democratic and non-racial South Africa.

371. The process of change that South Africa has entered into is quite dynamic, complex, and fraught with difficulties. Consistency is, therefore, essential to maintaining the unity of the international community on the eradication of apartheid. In that context, Member States should no longer adopt positions at the United Nations and later take action that is, indeed, contrary to those very same positions. The international community must remain clear that, unless profound and irreversible changes take place in South Africa, the possibility remains that apartheid will survive in some disguised form. Negotiations on a new constitution and the establishment of a united, non-racial and democratic South Africa are issues on which there is no compromise. They are indeed the demand of the majority of the people of South Africa, including whites and blacks, and of the international community.

372. Furthermore, the international community should undertake positive measures to assist the anti-apartheid forces of the country in general, and the return of exiles and the reintegration of released political prisoners, in particular. The effects of apartheid have been so profound and so pernicious both in South Africa

and in neighbouring States that substantial efforts and material support will be required to erase them in the months and years to come. In view of the above, the Special Committee recommends to the General Assembly that it should:

(a) Reaffirm the principles, guidelines and programme of action contained in the Declaration on Apartheid and its Destructive Consequences on Southern Africa, adopted by consensus on 14 December 1989 at the sixteenth special session of the General Assembly;

(b) Recall General Assembly resolution 44/244, adopted by consensus on 17 September 1990 at its resumed forty-fourth session;

(c) Note the positive measures introduced thus far, and call upon the South African régime to undertake all the necessary measures, including the implementation of the Pretoria Minutes of 6 August 1990, to create a climate fully conducive to negotiations, as set out in the Declaration, in order to facilitate free political discussion, which is an essential condition to ensure that the people themselves participate in the process of remaking their country;

(d) Call upon the South African régime to repeal repressive legislation and to remove the pillars of apartheid;

(e) Reaffirm its full support for the current process towards negotiations in which the South African authorities and ANC are engaged;

(f) Express its grave concern at the violence in South Africa resulting primarily from the continued existence of the apartheid policies, practices and structures and actions of those opposed to the democratic transformation of South Africa; call for an immediate end to violence and urge the South African authorities to take action to end it, specifically by dismantling the apartheid structures, as well as by ensuring effective and impartial action by the security forces and call upon all parties concerned to contribute to the promotion and establishment of a climate free of violence;

(g) Reiterate that pressure must be maintained on South Africa, particularly with regard to restrictive measures on trade, investment and finance, until the General Assembly determines that there is clear evidence of profound and irreversible changes, bearing in mind the objectives of the Declaration;

(h) Express its serious concern at the departures from the international consensus reflected in the programme of action of the Declaration by a number of Governments that have prematurely relaxed their restrictive measures and hastened to establish economic and other links with South Africa;

(i) Urge the Security Council to consider taking concrete steps for the stricter implementation of the mandatory arms embargo imposed by it in Council resolutions 418 (1977) and 558 (1984) in order to bring an end to the continued violations of the arms embargo;

(j) Deplore the actions of those States and organizations which directly and indirectly continue to violate the arms embargo and collaborate with South Africa in the military, nuclear, missile, intelligence, and technology fields;

(k) Renew the call upon all States to strictly implement the oil embargo against South Africa and to extend all necessary co-operation to the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa;

(l) Urge all governmental, private and international financial institutions to refrain from providing any financial support or favourable treatment to South Africa;

(m) Appeal to all Governments, organizations and individuals to refrain from any cultural, sports, academic and scientific relations that could have the effect of supporting the apartheid system, and to give appropriate assistance in those fields to the anti-apartheid forces and to the disadvantaged sections of South African society;

(n) Appeal to all Governments and organizations to increase all round support and assistance to the national liberation movements and other organizations engaged in the struggle against apartheid;

(o) Further appeal to all Governments and organizations to increase assistance to the front-line States, particularly to Angola and Mozambique, to enable them to reconstruct their economies devastated from years of destabilization;

(p) Urge the international community and the Secretary-General, through the relevant United Nations agencies, to provide all possible assistance to facilitate the re-establishment of previously banned political organizations in South Africa, as well as the reintegration of released political prisoners, and returning South African refugees and political exiles;

(q) Authorize the Special Committee against Apartheid, in accordance with its mandate and acting as a focal point, with the support services of the Centre against Apartheid, (i) to continue monitoring closely the situation in South Africa and the actions of the international community, particularly regarding the need for maintaining pressure on South Africa as called for in the Declaration; (ii) to continue mobilizing international action against apartheid, inter alia, through collection, analysis and dissemination of information, liaison and consultation with Governments, intergovernmental and non-governmental organizations and relevant individuals and groups able to influence public opinion and decision-making, as well as through hearings, conferences, missions, publicity and other relevant activities;

(r) Appeal to all Governments, intergovernmental and non-governmental organizations, information media and individuals to co-operate with the Centre against Apartheid, and the Department of Public Information of the Secretariat, in their respective activities against apartheid, in particular in monitoring developments concerning international action against apartheid and in disseminating information on the situation in South Africa;

(s) Request the Secretary-General to ensure the co-ordination of activities of the United Nations system in the implementation of the Declaration on Apartheid, and to continue pursuing appropriate initiatives to facilitate all efforts leading to the peaceful eradication of apartheid;

(t) Take note of the conclusions and recommendations contained in Part two.

Notes

1/ Through accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States have united to form one sovereign State. As from the date of unification, the Federal Republic of Germany acts in the United Nations under the designation "Germany".

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3/ Ibid., para. 15.

4/ Human Rights Commission in South Africa, Days of Defiance - Update to the Report of 4 September 1989 (Braamfontein), 7 September 1989.

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7/ S.A. Barometer (Johannesburg), vol. 4, No. 16, 27 August 1990.

8/ Human Rights Commission, Human Rights Update (Braamfontein), vol. 3, No. 7, August 1990.

9/ Human Rights Commission, Briefing 25/90, 8 August 1990; Briefing 32/90, 26 September 1990; and Human Rights Update, vol. 3, No. 7, August 1990.

10/ A/44/960, annex, para. 58.

11/ Government Gazette No. 12722, reported in Human Rights Commission, "Information sheet on declaration of unrest areas", 4 September 1990.

12/ Human Rights Commission, Current Status Report on Repression, 11 June 1990, and "Supplement No. 3 to Information Manual M-1. Third Update on 'Anatomy of Repression'", 30 August 1990.

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19/ "Report of the Commission of Enquiry", op. cit., para. 22.6.

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21/ Human Rights Commission, Apartheid Under Pressure, Special Report SR-7, May 1990.

22/ Amnesty International, "South Africa - Political Killings by Security Force Death Squads Update" (London), May 1990, and The Star (Johannesburg), 4 July 1990.

23/ Lawyers' Committee for Civil Rights under Law, South Africa's Death Squads, a report by the Southern Africa Project (Washington, D.C.), 20 September 1990.

24/ Human Rights Commission, Area Repression Report, op. cit.

25/ The Citizen (Johannesburg), 27 June 1990.

26/ S.A. Barometer, op. cit. 22 June 1990.

27/ The Guardian (London), 2 August 1990.

28/ The Independent Board of Inquiry into Informal Repression, Memorandum on Extreme Right-wing Organizations in South Africa (Braamfontein), 24 July 1990.

29/ South African Institute of Race Relations, Press Release PS/5/90, (Braamfontein), 24 April 1990.

30/ Report of the Independent Board of Inquiry into Informal Repression for the period August 1990, "Violence in the Reef townships", August 1990, and The New York Times, 15 September 1990.

31/ Doug Hindson and Mike Morris, "Trying to piece together peace in Natal", in Work in Progress/WIP No. 69 (Braamfontein), September 1990.

32/ The New York Times, 9 September 1990.

33/ Inkatha resolutions, 15th annual General Conference, 15 July 1990, and The Washington Post, 12 September 1990. Observers point out that the violence in Natal began in 1987 following recruitment drives by anti-apartheid organizations. In August 1990, the Natal code of Zulu law was amended effectively relaxing the laws relating to the carrying of weapons in Natal. The amendment actually facilitates the carrying of weapons if the action is in accordance with traditional Zulu usages, customs or religions. The amendment also allows police station commanders to authorize organizers of gatherings to brandish weapons.

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35/ Joint Statement by the Mission to Natal of the International Commission of Jurists (Johannesburg), 7 September 1990.

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42/ A/44/960, para. 15.

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57/ Ibid., para. 245.

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66/ IZWILETHU, NACTU, vol. 8, No. 1, May 1990.

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ANNEX I

Composition of the subsidiary bodies of the Special Committee against Apartheid, of the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa, of the Commission against Apartheid in Sports and of the Support Group of Eminent Women

1. Subsidiary bodies of the Special Committee:

(a) Sub-Committee on the Implementation of United Nations Resolutions on South Africa: Ghana (Chairman), Guinea, Hungary, Nepal, Nigeria, Philippines, Somalia, Sudan, Syrian Arab Republic;

(b) Sub-Committee on Developments in South Africa: Algeria, Haiti, India, Indonesia, Malaysia, Peru, Trinidad and Tobago, Ukrainian Soviet Socialist Republic, Zimbabwe (Chairman).

2. Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa:

Algeria, Cuba, Indonesia, Kuwait (Vice-Chairman), New Zealand, Nicaragua, Nigeria, Norway (Rapporteur), Ukrainian Soviet Socialist Republic and United Republic of Tanzania (Chairman).

3. Commission against Apartheid in Sports:*

Hamad Abdelaziz Al-Kawari	(Qatar)
Ahmad Fathi Al-Masri	(Syrian Arab Republic)
Hocine Djoudi	(Algeria)
Raul Gonzalez Rodriguez	(Mexico)
James Victor Gbeho	(Ghana)
Lionel Hurst	(Antigua and Barbuda)
Besley Maycock	(Barbados)
Abraham Ordia	(Nigeria)
Sedfrey Ordonez	(Philippines)
Vladimir Platonov	(Ukrainian Soviet Socialist Republic)
Allan Rae	(Jamaica)
Boris Topornin	(Union of Soviet Socialist Republics)
Zoumana Traore	(Burkina Faso)
Mulu Wale	(Ethiopia)
Georg Zorowka	(Federal Republic of Germany)

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* According to the International Convention against Apartheid in Sports (see General Assembly resolution 40/64 G, annex), in particular article 11, paragraph 5, the members of the Commission "shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the Commission."

4. Support Group of Eminent Women:

Lisbet Palme	(Sweden, Chairperson)
Glenys Kinnock	(United Kingdom of Great Britain and Northern Ireland)
Lucille Mair	(Jamaica)
Arja Saijonmaa	(Finland)
Leticia Shahani	(Philippines)
Jeanne-Martin Cisse	(Guinea)
Maria Pia Fanfani	(Italy)

ANNEX II

Selected excerpts of statements issued by the Special Committee

The Special Committee issued a number of statements during the period under review. Below is a list of those statements and selected excerpts from some of them.

GA/AP/1932 (5 September 1989) — Statement by the Chairman expressing grave concern at repressive measures against the Congress of South African Trade Unions and the Mass Democratic Movement:

"The Special Committee against Apartheid is gravely concerned at the recent repressive measures taken simultaneously by the Pretoria régime against several leaders and offices of the Congress of South African Trade Unions in different parts of the country, the shameful arrest of Nobel Peace Prize Laureate Archbishop Desmond Tutu, the Reverend Allan Boesak, Beyers Naude, Jakes Gerwell and other anti-apartheid leaders and activists. These actions are clearly part of a planned and co-ordinated attack on both the non-racial trade union movement and the entire Mass Democratic Movement ..."

GA/AP/1934 (20 September 1989) — Statement by the Special Committee appealing for action to demand release of journalists arrested in Cape Town:

"... The Special Committee appeals to the international community and, in particular, to the media, to take appropriate action and demands that the racist régime of South Africa immediately release those journalists and stop its violence against the media."

GA/AP/1935 (22 September 1989) — Statement by the Acting Chairman expressing grave concern at South Africa's ban of a women's peaceful march against repression:

"... The ban shows that repression continues to be the order of the day, and that the judiciary remains a powerful instrument to silence opponents of apartheid ... The Special Committee ... expresses its full support for the march and its admiration for the courageous women who are ready to stand up to repression in their quest for a truly non-racial and democratic society in South Africa."

GA/AP/1936 (26 September 1989) — Statement by the Acting Chairman calling for international efforts to save the lives of Mangena Boesman and all other South African political prisoners:

"... The scheduled execution would be a severe blow to prospects of peace and justice in South Africa, and would render empty President de Klerk's words regarding reconciliation ..."

GA/AP/1937 (5 October 1989) — Statement by the Acting Chairman urging wide observance of the International Day of Solidarity with South African Political Prisoners (11 October):

"... The Special Committee calls for the widest observance of the Day of Solidarity with South African Political Prisoners to pay special tribute to martyrs and victims in their righteous fight for the cause of the inalienable right of all people in South Africa, as well as to encourage millions of opponents of apartheid suffering both inside and outside of the apartheid jails today ..."

GA/AP/1941 (16 October 1989) — Statement by the Acting Chairman welcoming the release of eight South African political prisoners and calling for the unconditional release of Nelson Mandela and others:

"The Special Committee welcomes the release of Messrs. Walter Sisulu, Ahmed Kathrada, Jafta Masemola, Raymond Mhlaba, Wilton Mkwayi, Andrew Mlangeni, Elias Motsoaledi and Oscar Mpetha. The Special Committee considers their release a significant development, and a victory for the national liberation movements of South Africa and the international community ..."

GA/AP/1946 (24 October 1989) — Statement by the Special Committee welcoming the sports organizations' decisions to intensify the campaign against apartheid in sport:

"... Most significant is the announcement by the International Olympic Committee (IOC) that any athlete who competes in South Africa will hereafter be disqualified from taking part in the Olympic Games. Besides, IOC was instrumental in obtaining the suspension of South Africa from activities of the International Tennis Federation ..."

GA/AP/1947 (26 October 1989) — Statement by the Acting Chairman calling on banks to terminate all financial relationships in South Africa:

"... The Special Committee condemns the Third Interim Arrangements between banks and the apartheid régime which provide for the redemption of $8 billion of South Africa's debt spread over a three-and-a-half year period. The Special Committee considers that, in taking such steps the banks have given favourable treatment to South Africa, thereby undermining the international economic pressure which is being exerted on the régime to induce it to create the appropriate climate for negotiations. The Special Committee calls on banks once again to terminate all financial relationships with public and private entities in South Africa, including the provision of trade credits and banking services and the granting of loans, until apartheid is abolished ..."

GA/AP/1948 (9 November 1989) — Statement by the Acting Chairman expressing concern over the threatened suspension of a South African newspaper:

"... The possible suspension [of the newspaper] and the recent detention of community leaders are obstacles to the free expression of political views such as those voiced by the New Nation, and in no way contribute to a solution to the political conflict in the country."

GA/AP/1951 (22 November 1989) Statement by the Acting Chairman on recent public disclosures of Israeli-South African collaboration on medium-range missile projects:

"The Special Committee has, for many years, in fulfilment of an explicit mandate of the General Assembly, monitored all forms of collaboration between Israel and South Africa, including collaboration in weapons development and trade ... The United States television network, the National Broadcasting Corporation (NBC), on 25 October, in its "Nightly News" programme, disclosed certain details on the Israeli-South African collaboration in the field of developing and testing of a medium-range missile ... The Special Committee has always been gravely concerned over reports of such collaboration and has endeavoured as best it could to communicate this concern to broad sections of the international community. The Special Committee has been gratified to see that others, particularly the NBC news, shared the same concern and have performed a valuable service to the international community in highlighting what is a serious potential threat to the peace and security of the nations in the southern part of Africa ... The Special Committee again strongly urges the international community to head off this threat by supporting effective international action against all military collaboration with the apartheid régime."

GA/AP/1953 (28 December 1989) Statement by the Acting Chairman expressing deep satisfaction at the results of the General Assembly's special session on apartheid:

"The Special Committee expresses its deep satisfaction at the results of the sixteenth special session of the General Assembly on apartheid and its destructive consequences in southern Africa, which took place in New York from 12 to 14 December and resulted in the adoption of a declaration by consensus ... In adopting the Declaration, the international community for the first time, and with one voice, states clearly what in its view should be the essential elements of a united, non-racial and democratic South Africa ... The Declaration ... is also an operational document, a yardstick against which both actions of the South African régime and of the international community would be assessed. Pretoria should implement a number of measures to create the necessary climate for negotiations and negotiate subsequently with the parties concerned in accordance with a set of guidelines. The international community should step up all-round support for the opponents of apartheid, use concerted and effective measures, including the full observance by all countries of the mandatory arms embargo, aimed at applying pressure to ensure a speedy end to apartheid, and refrain from relaxing these measures until there is a clear evidence of profound and irreversible change, bearing in mind the objectives of the Declaration. The Declaration also clarifies that South Africa will become a full member of the international community upon adoption of the new constitution ..."

GA/AP/1955 (12 December 1989) Statement by the Acting Chairman reiterating support for black workers in South Africa in the struggle for trade union rights:

"... The Special Committee has learned that at least seven black workers were killed in South Africa while on strike against the State-owned South African Transport Services. The latest deaths brought the total to more than 20 since the strike began 10 weeks ago ... The Special Committee considers

that the violence against workers who demand internationally recognized trade union rights and the intransigence of management are the clearest evidence of the injustice which is intrinsic to the apartheid system. The Special Committee conveys its sympathy to the families of the workers killed. It reiterates its support for black workers in their struggle not only for their legitimate trade union rights, but also for their full political rights."

GA/AP/1959 (2 February 1990) Statement by the Acting Chairman welcoming measures announced by President de Klerk in South Africa:

"The Special Committee welcomes the significant measures announced today in Parliament by F. W. de Klerk: the lifting of the ban on the African National Congress of South Africa (ANC), the Pan Africanist Congress of Azania (PAC) and other anti-apartheid organizations, the release of certain political prisoners, the suspension of the imposition of the death penalty and the relaxation of media restrictions, as well as the announcement of the imminent release of Nelson Mandela ... We expect that the international community, recognizing the importance of the decisions announced by Mr. de Klerk, will, none the less, remain fully aware that the system of apartheid, which cannot be reformed, remains intact. So long as the principles and objectives for negotiations as set out in the United Nations Declaration on Apartheid and its Destructive Consequences in Southern Africa are not met, the Special Committee against Apartheid deems entirely premature any change of policy by the international community towards the apartheid régime."

GA/AP/1960 (12 February 1990) Statement by the Acting Chairman expressing profound joy at the release of Nelson Mandela:

"... The world received with great satisfaction the news of the end of his long incarceration, which for so long has deprived both South Africa and the world of his active leadership. His release is a victory for the anti-apartheid movement in South Africa, and for all the people and Governments around the world which, for years, have fought for his freedom. The Special Committee salutes this gallant and courageous man, who has become an international symbol of resistance to oppression and injustice. By his solemn and majestic comportment during his long confinement and his uncompromising dedication to his ideals, he has had a most profound influence on political events in his country ... The encouraging steps taken by Mr. de Klerk should be followed by the prompt implementation of the remaining measures required for the establishment of a climate conducive to negotiations as stated in the United Nations Declaration on Apartheid, adopted by consensus by the General Assembly last December ..."

GA/AP/1965 (22 February 1990) Statement by the Chairman calling on the British Government not to destroy world unity against apartheid through premature unilateral action:

"... The Special Committee regrets the recent announcements by the British Government of its unilateral relaxation of a number of hitherto imposed measures, namely, the lifting of the cultural and academic boycott, the discontinuation of the policy of discouraging new investments in South Africa as well as tourism to that country. While the Special Committee acknowledges the need for encouraging the ongoing process towards a peaceful resolution of the conflict, it deems entirely premature any form of relaxation

of existing measures ... The Special Committee strongly believes that present conditions in South Africa are still far from justifying any relaxation of international pressure on the South African régime ... The Special Committee calls on the British Government to continue to adhere to the spirit and the letter of the Declaration and not to seek to destroy international unity against apartheid through premature unilateral action."

GA/AP/1966 (5 March 1990) Statement by the Chairman calling for the widest observance of the International Day for the Elimination of Racial Discrimination:

"... Three months ago, the General Assembly, at its sixteenth special session, adopted the unprecedented document of the Declaration by consensus, which formulates a framework for the peaceful settlement of the conflict in South Africa. The document calls on Member States, among other things, to step up all-round support for the opponents of apartheid and to use concerted and effective measures in applying pressure to ensure the speedy end of apartheid in that racist society ... On behalf of the Special Committee, I hereby urge all Governments, parliamentarians, congressmen, anti-apartheid movements, non-governmental organizations, religious bodies, trade union organizations, mass media, student and youth organizations, as well as all men and women of conscience in the world, to lend their renewed and unflinching support to the struggle against apartheid by mobilizing all possible action for speedy implementation of the United Nations Declaration ..."

GA/AP/1970 (28 March 1990) Statement by the Acting Chairman expressing concern at police violence in South Africa:

"... The Special Committee against Apartheid is concerned at the news that the South African police killed at least nine persons and wounded hundreds of others during a peaceful march in the township of Sebokeng ... The Special Committee condemns the use of violence by the police, which definitely subverts the efforts of all those within and outside South Africa working towards a peaceful resolution of the conflict in that country ..."

GA/AP/1972 (10 April 1990) Statement by the Acting Chairman, extending condolences to PAC on the tragic death of Japhta Masemola:

"The Special Committee against Apartheid has learned the news of the tragic death of Japhta Masemola, a leader of the Pan Africanist Congress of Azania (PAC) ... Mr. Masemola played a leading role in his organization's opposition to the apartheid régime. As a result, he spent 26 years in prison and was released only in December 1989. On behalf of the Special Committee, I extend our sincere condolences to PAC and to Mr. Masemola's family and friends."

GA/AP/1973 (30 April 1990) Statement by the Chairman saluting the National Council of Trade Unions on May Day, for its defence of South African Workers:

"On the occasion of the commemoration of May Day, the Special Committee against Apartheid salutes the National Council of Trade Unions for its consistent defence of the rights of South African workers and for its uncompromising stand against the apartheid system ..."

GA/AP/1974 (2 May 1990) Statement by the Chairman saluting the Congress of South African Trade Unions on May Day, for defending workers' rights:

"On the occasion of the commemoration of May Day, the Special Committee against Apartheid salutes the Congress of South African Trade Unions for its consistent defence of the rights of South African workers and for its uncompromising stand against the apartheid system. As the process towards a negotiated solution to the conflict unfolds, the trade union movement is playing and shall continue to play a significant role based on the strength of its organization and its political vision ..."

GA/AP/1978 (9 May 1990) Statement by the Chairman expressing concern about the visit of President de Klerk to Western European countries:

"The Special Committee is concerned that the announced visits by Mr. de Klerk to France, the United Kingdom, Belgium, the Federal Republic of Germany, Greece, Italy, Switzerland, Spain and Portugal may be used by Pretoria as a manifestation of, and an instrument for, the relaxation of pressures against apartheid. The Special Committee considers such official visits, as well as some recent moves upgrading bilateral diplomatic relations, as entirely premature; they threaten to undermine the United Nations Declaration on Apartheid and its Destructive Consequences in Southern Africa adopted by consensus last December, and the pledges given by those countries not to relax existing measures applied on Pretoria ... The Special Committee urges the leaders of France, the United Kingdom, Belgium, the Federal Republic of Germany, Greece, Italy, Switzerland, Spain and Portugal to impress on Mr. de Klerk that only irreversible and profound changes, bearing in mind the objectives of the Declaration, could lead their Governments to the consideration of relaxing existing measures aimed at ensuring a speedy end to apartheid."

GA/AP/1981 (8 June 1990) Statement by the Chairman welcoming the partial lifting by South Africa of the four-year state of emergency:

"It is with great satisfaction that the Special Committee against Apartheid welcomes reports that President F. W. de Klerk has decided to lift the four-year-old state of emergency in South Africa, with the exception of the province of Natal, effective today, 8 June, at midnight. However, the Special Committee is still concerned that, even without the draconian emergency regulations, the South African police forces still have at their disposal an array of arbitrary and repressive legislation, such as the Public Safety Act, to stifle peaceful protest and dissent and to curtail the freedom of the press ... The Special Committee feels that the announcement of this positive step by the South African authorities should not in any way justify or lead to a premature and hasty relaxation of existing measures by any State or any group of States. The institutional pillars of the apartheid system, such as the Population Registration Act and the Natives Land Acts, remain in place ..."

GA/AP/1982 (12 June 1990) Statement by the Chairman calling for wider observance of "Soweto Day":

"... The observance this year is taking place at a time when pressure both within South Africa and outside is mounting for the total and speedy eradication of apartheid ... The Special Committee wishes to point out at this juncture that this is no time for the international community to be lulled into complacency, to relax pressure on South Africa and thus relent on its responsibilities ..."

GA/AP/1988 (24 July 1990) Statement by the Acting Chairman agreeing with the Secretary-General's assessment on dismantling apartheid and calling for continued pressure on Pretoria for change:

"... The Special Committee ... agrees with the Secretary-General's observation that, although the process of change in South Africa has started, it is still at a preliminary stage. Thus, the report puts an end, once and for all, to the views that were expressed in some quarters that profound and irreversible changes had already taken place in South Africa. Of the measures required by the Declaration to create a climate for negotiations, only the lifting of the ban on political parties and movements has been implemented. Even so, normal political activity continues to be hindered by the provisions of repressive legislation, in particular the Internal Security Act. The other four required measures have been implemented only partially ... It is clear from the report that the police and the rest of the security apparatus continue their violent activities against the black population ... The authorities in Pretoria do not seem to have undertaken any serious efforts to address the threat to change posed by the violence of the extreme right wing or by the conflict in Natal. It becomes evident from the report of the Secretary-General that pressure should be fully maintained on the authorities in Pretoria, and that no relaxation of any measures should be contemplated at this stage ..."

GA/AP/1989 (30 July 1990) Statement by the Chairman expressing serious concern at South Africa's arrest of an ANC official:

"The arrest of Mr. [Mac] Maharaj is a matter of serious concern to the Special Committee. It shows once more that an atmosphere of free political activity does not exist in South Africa. Detention without trial of a senior member of the ANC undermines seriously the impact of the only measure that has been implemented concerning the creation of a climate conducive to negotiations - namely, the lifting of the ban on political organizations ... In spite of this negative development, it is the hope of the Special Committee that the process of negotiations will not be derailed."

GA/AP/1996 (31 August 1990) Statement by the Chairman expressing deep concern at the deterioration of the situation in South Africa:

"... Reports of continuing violence in the black townships, which has resulted in the deaths of large numbers of persons, are a cause for distress ... The Special Committee considers that the current violence in the townships is the direct consequence of apartheid policies, namely, the homeland policy and the migrant labour system, which have increased tensions in black communities. There is also evidence that the police have not been

impartial in the conduct of their duties ... The Special Committee considers it imperative that the South African authorities adopt effective measures to ensure the impartiality of the police in this situation. The Special Committee further makes an urgent appeal to the parties concerned to seek a mechanism that will stop this senseless violence and will enhance the possibility of a future national reconciliation. Should the violence continue, it will become a hindrance to the fragile search for a negotiated end to apartheid and for a democratic South Africa."

GA/AP/2006 (24 October 1990) — Statement by the Acting Chairman of the Special Committee on the death of Zephania Mothopeng, President of the Pan Africanist Congress of Azania (PAC):

"The Special Committee has just learned with profound grief of the untimely death of Zephania Mothopeng ... [His death] constitutes a great loss not only to the organization he led with abnegation and total dedication and to his family, but to the entire anti-apartheid movement and, indeed, to South Africa as a whole ... The Special Committee wishes to pay tribute to Mr. Mothopeng for his pre-eminent role in the struggle against apartheid and for his uncompromising stand in support of the rights of the oppressed people of South Africa ..."

ANNEX III

List of documents issued by the Special Committee

A/AC.115/L.661	Messages received on the occasion of the International Day of Solidarity with the Struggling People of South Africa
A/AC.115/L.662 and Add.1	Messages received on the occasion of the International Day of Solidarity with the Struggle of Women in South Africa and Namibia
A/AC.115/L.663	Report of the International NGO Seminar on Education against Apartheid, held at Geneva from 4 to 6 September 1989
A/AC.115/L.664	Messages received on the occasion of the Day of Solidarity with South African Political Prisoners
A/AC.115/L.665	Report of the Mission to southern Africa by a delegation of the Support Group of Eminent Women (Zimbabwe, Zambia and Namibia, 19-29 November 1989)
A/AC.115/L.666	Report of the Regional Seminar on East Asian Action against Apartheid, held at Tokyo from 23 to 25 January 1990
A/AC.115/L.667	Collaboration between Israel and South Africa, statement by the representative of the Syrian Arab Republic
A/AC.115/L.668 and Corr.1	Messages received on the occasion of the International Day for the Elimination of Racial Discrimination
A/AC.115/L.669	Messages received on the occasion of the International Day of Solidarity with the Struggling People of South Africa
A/AC.115/L.670	Report of the fourth International Conference against Apartheid in Sports, held at Stockholm from 4 to 6 September 1990
A/AC.115/L.671	Messages received on the occasion of the International Day of Solidarity with the Struggle of Women in South Africa

PART TWO

REPORT ON RECENT DEVELOPMENTS CONCERNING RELATIONS BETWEEN ISRAEL AND SOUTH AFRICA

I. INTRODUCTION

1. The Special Committee against Apartheid has been concerned with the issue of relations between Israel and South Africa since the early 1970s as a result of the continuing military and nuclear collaboration between these two countries.

2. On 22 November 1989, the Acting Chairman of the Special Committee against Apartheid issued a statement expressing the Special Committee's grave concern over the military and nuclear collaboration between Israel and South Africa. He praised the United States television network, the National Broadcasting Corporation (NBC), for disclosing details on the existing co-operation between these two countries in the development and testing of a medium-range missile capable of carrying nuclear warheads. The Acting Chairman referred to reports which indicated the names of an Israeli firm and an Israeli official involved in the missile project and to the claim that Israeli technology was provided in exchange for supplies of South African enriched uranium. He expressed concern over reports that several hundred Israeli aeronautical designers and technicians were planning to go to South Africa and that 75 of them were already working in that country with the authorization of the Israeli Government (see part one, annex II, of the present report, GA/AP/1951 of 22 November 1989).

3. On 9 March 1990, the Special Committee held a meeting to discuss the collaboration between Israel and South Africa, and issued as an official document a statement made by the representative of the Syrian Arab Republic in that meeting, in which he referred to the genesis of that collaboration and its reasons. He noted that that collaboration commenced even before 1948.

4. The Syrian representative stated that Israel had given South Africa a licence to produce the Uzi submachine gun, copies of designs for the engines of the mirage aircraft, a licence to build seven Dabur-clan 55 boats equipped with long-range surface-to-surface missiles worth some $70 million and plans for the building of six Dabur-clan 55 patrol boats, the manufacture of 24 Kafir jet aircraft, the joint manufacture of 155-mm cannon and the manufacture of a Galil assault rifle. He referred to the co-operation between the two countries in nuclear matters and stated that the Jericho I and II missiles were capable of carrying nuclear warheads. He stated that the collaboration was based on the South African supply of uranium to Israel and in return the latter assisted South Africa in weapons manufacturing and testing operations. 1/

5. The Syrian representative stressed that the international community must not be satisfied with expressions of concern and warning, but must, particularly in the present climate of international reconciliation, address the matter of this collaboration and its dangers in an expeditious manner, within the framework of the Security Council, with a view to adopting decisive measures to put an end to the threat posed by this collaboration.

6. In its latest reply to the inquiry of the Secretary-General with regard to concerted action by Member States against apartheid, the Government of Israel stated that "[It] has continued to refrain from new undertakings between itself and South Africa in the realm of defence." It also declared that it was curtailing its relations with South Africa. 2/ However, according to the figures of the Organisation for Economic Co-operation and Development and the International Monetary Fund, in 1989 total trade between Israel and South Africa increased by

1.8 per cent. In particular, imports increased by 3.2 per cent while exports decreased by 0.2 per cent (see table 3 in the report of the Special Committee) (part one).

7. The present report reviews the status of this collaboration of Israel with South Africa and makes recommendations thereon. It has been prepared in accordance with the request contained in General Assembly resolution 44/27 F of 22 November 1989. In that resolution, the General Assembly, inter alia:

"1. Condemns the collaboration of Israel with the racist minority régime of South Africa in the military and nuclear fields;

"2. Reiterates its demand that Israel desist from and terminate forthwith all forms of collaboration with South Africa, particularly in the military and nuclear fields;

"3. Requests the Special Committee against Apartheid to continue to monitor the relations between South Africa and Israel and keep them under constant review and report to the General Assembly and the Security Council as appropriate."

II. MILITARY AND NUCLEAR COLLABORATION

8. In spite of official statements by the Government of Israel that it has not entered into new contracts for the supply of armaments or ammunition to South Africa and that it was only honouring existing ones, available information indicates that military co-operation continues between the two countries. Although it was reported that Israel would end military contracts with South Africa by 1992, 3/ it should be recalled that in the late 1970s and following the enactment of the United States Anti-Apartheid Act of 1986, the Government of Israel also gave assurances that its military contracts with South Africa would end. Doubts persist concerning these pledges because military collaboration between the two countries instead of ending seems to have been strengthened as shown by reports on the testing of a missile capable of carrying nuclear warheads.

9. According to media reports, a United States official with close knowledge of this collaboration said that "the Israeli-South Africa missile partnership couldn't be closer". The official said: "We know everything - names, dates, everything. However, we don't have any evidence that it's a plain uranium-for-missiles deal and think of the relationship as a whole series of deals". 4/

10. Intelligence sources told NBC News that Israel was in a "full blown" partnership with Pretoria to produce a nuclear-type missile for South Africa. Israel needed an isolated, long-range test site and also a continuous supply of enriched uranium for its nuclear warheads. It obtained both from South Africa in exchange for Israeli missile technology. A document by the United States Central Intelligence Agency revealed that the first missile flight of the joint South African-Israeli project took place on 5 July 1989. What the Agency called the Arniston missile flew 900 miles south-east of the Prince Edward Islands. 5/

11. Information obtained from the Defense Intelligence Agency under the Freedom of Information Act further confirmed that, on 5 July 1989, South Africa launched a test short-range ballistic missile (SRBM) from its Arniston Missile Range with Israeli assistance. Other sources reported that when South Africa tested the booster rocket on the indicated date, United States satellites picked up what intelligence officials considered to be an important piece of information: the rocket plume of the South African missile had a striking resemblance to that of Israel's Jericho missile. The United States Administration officials also said that equipment seen at the South African missile test resembled equipment used by the Israeli Government in the test of its own missile. 6/

12. In response to such reports, the Prime Minister of Israel stated at a news conference on 15 November 1989 that Israel "had some contractual arrangements with South Africa [that] he intended to adhere to and not to break them." 7/

13. The military and nuclear collaboration between Israel and South Africa was the subject of further elaboration in two books published in 1989. In one book, entitled The Invisible Bomb: The Nuclear Arms Race in the Middle East, a well-known expert on disarmament and nuclear proliferation dealt with the reported explosion of a nuclear device in 1979 in the South Atlantic area in which South Africa and Israel were implicated. In reviewing reports of military and nuclear collaboration between the two countries, he referred to recent statements made by the Israeli nuclear technician, Mr. Mordechai Vanunu, who revealed information concerning the visits of South African nuclear scientists to the Dimona Nuclear

Research Centre in Israel. Mr. Vanunu is serving an 18-year sentence in Israel for disclosing information on Israeli military nuclear programmes. 8/

14. According to the other book, entitled By Way of Deception, Mr. Vanunu claimed that Israel had helped South Africa detonate a nuclear device in September 1979. Mr. Vanunu, who worked at the Dimona Institute, said that it was no secret that Israel helped South Africa develop its nuclear programme. The author of the book stated that Israel "supplied South Africa with most of their military equipment, trained their special units, and worked hand in hand with them for years". 9/ It was stated that these two countries regarded themselves as needing the doomsday machine and were prepared to use it.

15. An official of the United States Arms Control and Disarmament Agency (ACDA) revealed that the Administration of President George Bush has urged every senior Israeli official who visited Washington, D.C. to stop co-operating with South Africa on the development of a medium-range ballistic missile. "There is no sign they [the Israelis] have taken any steps to satisfy our concerns about it and so it's still an open issue", the ACDA official told Reuters on 3 May 1990. 10/

16. The United States Assistant Secretary of State for Near-Eastern Affairs said that there was no doubt that a missile that was test-launched in South Africa in July 1989 could be traced to Israel: "What is convincingly clear from the circumstantial evidence was that whatever was launched from South Africa traces its origins in some sense back to Israel, either by technological co-operation or supply of components, or delivery of a whole vehicle". 11/

17. The Natural Resources Defence Council of the United States issued a news release on 26 September 1990 that made public the documents received from the Central Intelligence Agency under the Freedom of Information Act concerning the South African nuclear programme, including the production of nuclear weapons. The press release stated that "The documents also confirm that Israel has co-operated with South Africa on nuclear research since the late 1970s ... [the] Israelis have not only participated in certain South African nuclear research activities over the last few years, but they have also offered and transferred various sorts of advanced non-nuclear weapons technology to South Africa." 12/

18. On 27 September 1990, The Washington Post, while commenting on this matter, stated that the above-mentioned documents detailed the South African nuclear-arms programme and lent credibility to reports of Israeli collusion with South Africa in matters of nuclear armaments. 13/ The issue had appeared in 1979 as a result of the detection of what was suspected as a nuclear explosion. In spite of efforts to conceal the involvement of Israel and South Africa in that project, information revealed now confirms it.

19. According to the NBC news programme, sources in the United States Department of Defense mentioned that Israel has a stockpile of 200 atomic warheads and that, after its space launch in 1988, Israel has joined the nations that have long-range nuclear weapons. Concerning the advantages to Israel from its involvement with South Africa, it was stated that Israel would obtain a continuous supply of enriched uranium and an isolated long-range test site for its advanced missiles. It would also obtain sources of financing from South Africa for more sophisticated weapons programmes. During the news programme, it was added that the Israeli partnership with South Africa in conventional arms has been in existence for two decades and pertains to everything from small weapons to jet fighters. 14/

20. A major aspect of the co-operation in military technology is the export of computers from Israel to South Africa as a result of their partnership in military research and development. South African banks and industries have investments in Koor Industries, the Israeli producer of electronics and computer components, which also has investments in South Africa. Some Israeli software specialists work as a rule as contractors to Infoplan, a computer branch of ARMSCOR. It was estimated that by the last quarter of 1989, at least 100 Israeli computer specialists were in South Africa. 15/

21. Previous reports of the Special Committee on the issue of collaboration have noted that Israel was used as a conduit for arms to South Africa. It was reported in February 1990 that French Snecma Atar engines were sold to Israel for possible use by the South African Air Force. The Government of France, according to this report, undertook an investigation into this matter. 16/

22. It was reported that the United States General Accounting Office (GAO) was investigating two Israeli companies for their involvement in the transfer of illegal arms and technology to South Africa. The investigation was focused on whether or not these companies had, indeed, transferred United States military technology to South Africa. A related issue under investigation was the implementation of provisions envisaged by United States laws against companies involved in violations of the arms embargo. 17/

III. ECONOMIC COLLABORATION

23. Previous reports of the Special Committee against Apartheid have noted that the official trade figures between Israel and South Africa do not accurately reflect the volume of their trade because these figures exclude diamonds and gold, which are marketed through London and Zurich, or the armaments, for which figures are not published. Israel is considered to be one of the main centres in the world for the polishing and refining of South African diamonds. Concerning the armaments trade, Israel is a major trading partner of South Africa, as was indicated earlier. It was reported that a substantive item in the bilateral trade between the two countries was weapons and military technology, which was never declared but was believed to run at least $800 million in Israel's favour. 18/

24. The South African Ambassador to Israel was reported to have stated that trade between the two countries had increased by 3 per cent to reach $339 million in 1988, with South Africa's exports to Israel amounting to $209 million. According to the Ambassador, Israel was keen to promote exports to close the gap that existed in South Africa's favour. He also said that added-value products in the high technology field constituted a major portion of Israel's export to South Africa. The Israeli authorities, the Ambassador added, were looking into ways of overcoming some of the non-tariff impediments for imports from South Africa into Israel. 19/

25. In spite of the assertion of the Israeli Government that it was abiding by its decision of September 1987 to reduce its trade with South Africa, trade relations between the two countries are improving. A 10-member South African delegation reportedly visited Israel in June 1990 to discuss trade between the two countries. It was suggested that the purpose of the meeting was to renegotiate the major trade agreement concluded between them in 1976. Since the agreement involved trade on products for civilian and military use, the 1987 pledge by Israel not to sign new military agreements was placed in doubt. According to the 1976 agreement, there would be a review of the agreement every two years. In 1988, an Israeli delegation visited South Africa and in June 1990 the South African delegation reciprocated. In addition to military trade, the talks also covered investment, fishing rights and other matters. At the conclusion of the meeting, it was agreed that further talks would be held. 20/

IV. CONCLUSIONS AND RECOMMENDATIONS

26. The Special Committee against Apartheid considers that, in spite of repeated Israeli statements that its relations with South Africa have been curtailed, reports still point to ongoing collaboration, especially in the military and nuclear fields.

27. The Special Committee is deeply concerned that Israel has not yet revealed its existing secret agreements and arrangements with South Africa for the supply of weapons and military technology and that all such agreements and arrangements have not yet been abrogated. The Special Committee considers that the provision of Israeli arms and armaments technology to South Africa, especially the persistent reports about Israel's collaboration with South Africa in developing the latter's missile technology with its nuclear implications, constitutes a very grave danger to international peace and security and, in particular, jeopardizes the security of African States. The Special Committee is also concerned that trade relations are increasing between the two countries, contrary to Israel's claims.

28. The Special Committee recommends that the General Assembly call upon Israel to cease forthwith its continuing collaboration with South Africa, particularly in the military and nuclear fields, and authorize the Special Committee to continue monitoring relations between Israel and South Africa and to report thereupon as appropriate.

Notes

1/ A/AC.115/L.667, 12 March 1990.

2/ For the full text of the reply by the Government of Israel, see document A/45/637.

3/ The Washington Post, 3 February 1990.

4/ Newsweek (New York), 6 November 1989.

5/ News programme of the United States television network, National Broadcasting Corporation (NBC), of 25 October 1989.

6/ The New York Times, 27 October 1989.

7/ The Star (Johannesburg), 29 November 1989.

8/ Frank Barnaby, The Invisible Bomb: The Nuclear Arms Race in the Middle East, IB. Tauris & Co. Ltd. (London), 1989, pp. 16-21.

9/ Victor Ostrovsky and Claire Hay, By Way of Deception, St. Martin's Press (New York), 1990, pp. 150-151.

10/ Israeli Foreign Affairs (Sacramento), June 1990.

11/ The Citizen (Johannesburg), 4 May 1990.

Notes (continued)

12/ National Resources Defense Council (Washington, D.C.), 26 September 1990.

13/ The Washington Post, 27 September 1990.

14/ News programme of the United States television network, National Broadcasting Corporation (NBC), of 26 October 1989.

15/ Holland Committee on Southern Africa, Gert, Slob, Computerizing Apartheid: Export of Computer Hardware to South Africa (Amsterdam), May 1990, pp. 50-52.

16/ Anti-Apartheid News (London), February 1990.

17/ The Washington Jewish Week, 17 May 1990.

18/ Southscan (London), 13 July 1990.

19/ Business Day (Johannesburg), 28 February 1990.

20/ Southscan (London), 13 July 1990.

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REPORT OF THE SPECIAL COMMITTEE AGAINST APARTHEID

Addendum

The following two paragraphs should be included in the report of the Special Committee against Apartheid:

317A. On 8 November 1990, the Acting Chairman of the Special Committee sent a letter to the Permanent Representative of Poland to the United Nations drawing attention to press reports that the Governments of Poland and South Africa had agreed to establish "permanent offices of interests" in each other's countries. In a reply dated 3 December 1990, the Government of Poland stated that it "does not maintain diplomatic relations with South Africa". Such a step "depends entirely on a total elimination of apartheid". The Government explained that the "one and only reason for the opening of the permanent office of interests in South Africa is the need to establish a necessary condition for a proper consular care for and protection of Polish nationals living there ...". It was further indicated that the Government of Poland intended "to ensure that its permanent office of interests in South Africa, while performing its official functions, develops also contacts with the representatives of legal anti-apartheid organizations, including ANC ...".

322A. On 12 November 1990, the Acting Chairman sent a letter to the Permanent Representative of Iraq to the United Nations drawing attention to a publication entitled "Fact Sheet on Military Expenditure and Iraqi Arms Imports", issued by the Stockholm International Peace Research Institute on 8 August 1990. The Fact Sheet indicated that Iraq had imported 200 towed howitzers from South Africa between 1984 and 1988. In a reply of 30 November 1990, the Government of Iraq affirmed that it (Iraq) "does not collaborate with the racist South African régime and has with it no commercial, political, diplomatic or cultural relations or contacts involving oil or sports, of any kind whatever".

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